

13 MAY 1947

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13 MAY 1947

I N D E X
of
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1 Tuesday, 13 May 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before.

14 For the Prosecution Section, same as before.

15 For the Defense Section, same as before.

16 - - -

17 (English to Japanese and Japanese
18 to English interpretation was made by the
19 Language Section, IMTFE.)
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NAKAYAMA

CROSS

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: The Stars and Stripes, the
4 official newspaper of the occupation forces and the
5 pilot of the Japanese press, has again published
6 an account of this Tribunal's proceedings contain-
7 ing so many gross misrepresentations that it must
8 be rewritten if it is to be corrected.

9 The Tribunal did not accuse the Defense of
10 being uncooperative. The term "uncooperative" was
11 not employed by anybody.

12 The President did not use the words just as
13 attributed to him.

14 The Tribunal did not give the decision as
15 reported in the newspaper.

16 No assurance was given to the Defense
17 Counsel by the Tribunal, nor was one called for.

18 The Court Reporters are wholly American
19 and have made a completely accurate report of the
20 Tribunal's proceedings. This should be referred to.

21 I know that no correction will be made, but
22 I appeal to the Supreme Commander to protect this
23 Tribunal against the wretched publication.

24 I am sure my country would not have agreed
25 to take part in this trial in Tokyo had it known

NAKAYAMA

CROSS

1 that the official occupation newspaper would have
2 been allowed by lying misrepresentations to belittle
3 the Tribunal in the eyes of the Japanese people.

4 Mr. Sutton.

5 - - -

6 Y A S U T O N A K A Y A M A, called as a witness
7 on behalf of the defense, resumed the stand
8 and testified further through Japanese inter-
9 preters as follows:

10 CROSS-EXAMINATION

11 BY MR. SUTTON (Continued):

12 Q Yesterday you testified that the defendant
13 MUTO gave you directions with respect to the protec-
14 tion of foreign interests. Did you report to him
15 the complaints received of violation of foreign
16 interests in Nanking?

17 A Yes, I did.

18 Q Did MUTO mention to you the complaints which
19 he received concerning violations of foreign inter-
20 ests in Nanking?

21 A Colonel MUTO never informed me of any re-
22 ports which he himself received directly. However,
23 what I said now concerns only what happened immediate-
24 ly after our entry into Nanking. In other words, I
25 am speaking of what happened during 1937, after our

NAKAYAMA

CROSS

1 entry into Nanking.

2 Q Did MUTO accompany you on your inspection
3 tours in and around Nanking?

4 A He never accompanied me once.

5 Q Do you know whether or not he made inspec-
6 tions in and around Nanking?

7 A I do not know.

8 Q How long was MUTO in Nanking in December
9 1937?

10 A I believe it was from the 15th of December
11 to the 20th of December.

12 Q Was he not there for ten days?

13 A As I have just said, he was in Nanking from --
14 Since he was in Nanking from the 15th of December
15 to the 20th of December, that would be six days al-
16 together. By Nanking I mean both the outskirts of
17 Nanking and that part of Nanking which is inside the
18 walls.

19 Q In his interrogation, exhibit 255, MUTO
20 stated that he remained in Nanking for ten days,
21 leaving there on December 24 or 25. Does that refresh
22 your memory?

23 A Immediately before the capture of Nanking
24 Colonel MUTO arrived at Kuyang Air field, together
25 with General MATSUI, on the 15th, and I believe it

NAKAYAMA

CROSS

1 was on the 21st or 22nd that he left Nanking by
2 train, together with us.

3 Q MUTO further stated, exhibit 255, that
4 Chief of Staff TSUKADA told him of incidents of
5 stealing, killing, assault, and rape by Japanese
6 soldiers in Nanking. Did you learn of these inci-
7 dents?

8 A First, concerning murder, I have never heard
9 of any such incidents. Next concerning theft, I
10 don't know whether theft would be the appropriate
11 word. However, I believe there were a few cases
12 of that.

13 THE MONITOR: I don't know whether you
14 could call it stealing or not, but I believe there
15 were a few cases of looting.

16 A (Continuing) Third, concerning assault against
17 women, I believe there may have been a few cases on
18 some days to a limited extent.

19 Q In Section 18 of your affidavit you mention
20 the so-called poor-people's quarters administered
21 by the Nanking Safe Area Committee. Is this the
22 same as the International Committee for the Nanking
23 Safety Zone?

24 A I think they are the same.

25 Q You stated that soldiers were not permitted

NAKAYAMA

CROSS

1 to enter these quarters without special permits.
2 Did not soldiers repeatedly enter the safety zones
3 in the daytime and night time and carry off women
4 and girls to be debauched?

5 A I don't think that is true.

6 MR. SUTTON: This question is based upon
7 the testimony of Mrs. Tsen, Director of Dormitories
8 of Gingling College, transcript or proceedings
9 pages 4465, 4466.

10 THE WITNESS: The neutral zone or the refugee
11 safety zone was protected by our troops, and sentries
12 were posted at the entrances and exits to this zone,
13 and soldiers were not permitted to enter that zone
14 without permission from their superior commander.
15 Therefore, I believe if soldiers did enter the neu-
16 tral zone it was for purposes of -- it was because
17 they were on guard duty.

18 Q You further state in Section 18 of your
19 affidavit, "Later we heard that the Committee had
20 protested against the atrocities committed by the
21 Japanese troops within these quarters."

22 When did you hear that?

23 A After the conclusion of the war.
24
25

NAKAYAMA

CROSS

1 Q Consul General HIDAKA testified, exhibit
2 2537, that the reports from the foreign residents in
3 Nanking on the wrongful acts of Japanese soldiers were
4 sent by the Consulate General to the Foreign Office in
5 Tokyo and to the army in Nanking, and that the Foreign
6 Office in Tokyo gave notice of these reports to the
7 War Ministry. Did the authorities in Tokyo inquire
8 of the Central China Expeditionary Forces concerning
9 these reports?

10 A According to my recollection no such thing
11 happened. However, one month after the fall of
12 Nanking Major General HOMMA was sent to the Central
13 China Expeditionary Forces, and I believe he complained
14 to the Chief of Staff on whether military discipline
15 had not been somewhat lax. However, this complaint
16 was merely a question of military discipline and had
17 nothing to do with such things as massacre or looting.

18 Q In Section 19 of your affidavit you mention
19 prisoners of war in Nanking. Were captured Chinese
20 soldiers treated as prisoners of war?

21 A They did. They were accorded such treatment.

22 Q Were prisoners of war camps established?

23 A Yes, they were later.

24 Q MUTO stated in his interrogation, exhibit 255,
25 that it was finally decided in 1938 that because the

NAKAYAMA

CROSS

1 Chinese conflict was officially known as an incident
2 the Chinese captured would not be regarded as prisoners
3 of war. Do you agree with that?

4 A The Sino-Japanese conflict was a very un-
5 fortunate affair, and it was very complicated. And,
6 therefore, although we were not able to officially
7 give prisoners treatment as prisoners of war under
8 international law at the front line, I believe in
9 actuality prisoners were accorded such treatment in
10 accordance with the provisions of international law.
11 Therefore, what Colonel MUTO has stated concerns
12 merely the aspects of the problem as it relates to
13 international law, and the actual situation was that
14 in Central China prisoners were accorded fair treat-
15 ment as prisoners of war. Not only that, but those
16 among the prisoners who grasped a true understanding
17 of the Sino-Japanese conflict were later recruited
18 for the regular troops of the Chinese Army, that is to
19 say, the army which was under the Wang Ching-wei
20 Regime.

21 Q Why were prisoners of war camps established
22 in Central China in 1937 and 1938?

23 A I am not aware of the details. However,
24 I do know that there were two or three camps on the
25 outskirts of Shanghai.

NAKAYAMA

CROSS

1 Q Was it not the policy of the Central China
2 Expeditionary Forces to seek out disarmed Chinese
3 soldiers and when found to shoot them?

4 A The Central China Expeditionary Forces never
5 adopted any such policy. General MATSUI, the Commander
6 of the Central China Expeditionary Forces, from the
7 standpoint of the fundamental situation between the
8 Japanese and Chinese peoples, was sincerely convinced
9 that the Japanese and Chinese must unite in peace.
10 This is the fact. When I think of the efforts which
11 General MATSUI made concerning this point during the
12 advance of the Japanese troops to Nanking I cannot
13 help but feeling very much impressed.

14 Q Did not the International Committee for the
15 Nanking Safety Zone arrange for the burial of more
16 than 30,000 former Chinese soldiers who had been shot
17 after surrender on the banks of the Yangtze?

18 A I have never heard of any such thing. How-
19 ever, it may have been that the following situation
20 was misunderstood, misconstrued, and conveyed to the
21 world abroad as what you have just mentioned. Several
22 soldiers of the defeated Chinese Army went into hid-
23 ing within the safety zone still carrying weapons.
24 These were forced out, and some of these were court-
25 martialed and executed. This fact was probably greatly

NAKAYAMA

CROSS

1 exaggerated and conveyed abroad in a very exaggerated
2 form.

3 Q How many were court-martialed before they
4 were shot?

5 A I do not remember the number.

6 Q You stated, paragraph 19 of your affidavit,
7 that some five thousand prisoners were gradually re-
8 leased to the other side of the Yangtze. Were not the
9 only prisoners who ever reached the other side of the
10 Yangtze the dead bodies of Chinese soldiers which
11 drifted there after they had been shot by Japanese
12 soldiers on the southern bank of that river?

13 A That is not so. At the time the Japanese
14 troops in and around Nanking numbered several tens of
15 thousands, and there was a shortage of provisions so
16 that the Japanese were unable to supply the Chinese
17 prisoners of war with provisions. Hence the policy
18 of the Imperial General Headquarters at the time was
19 one of nonexpansion of the Sino-Japanese conflict;
20 orders had come from the Imperial Headquarters to
21 Central China Expeditionary Forces to concentrate
22 their forces in the area which they already held as
23 soon as Nanking was captured; and, therefore, I believe
24 it was in line with this policy that all prisoners of
25 war were released to the north side of the Yangtze

NAKAYAMA

CROSS

1 River.

2 Q When did you resign from the Staff of the
3 Central China Area Army?

4 A Since the Central China Area Army was
5 officially disbanded in March, 1938, I naturally
6 left my post as staff officer. However, I continued
7 as staff officer in the newly formed Central China
8 Expeditionary Forces until March, 1939.
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NAKAYAMA

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1 Q In the last paragraph of your affidavit you
2 state that the so-called Nanking Incident was rumored
3 in the world long after you resigned. Is it not a fact
4 that these reports spread abroad before you resigned?

5 A I believe it was published abroad during my
6 period of -- during the time I was in the Central
7 China Expeditionary Forces. However, I myself did
8 not hear of it until after the conclusion of the war.

9 Q Did you not know that in January 1938 the
10 American Government, through Ambassador Grew, was
11 filing with Foreign Minister HIROTA of Japan, strong
12 protests against the action of Japanese troops in Nan-
13 king based on detailed reports received from the
14 American Embassy in China?

15 A Thinking back on that subject, I feel I have
16 a faint recollection of what you said. But in view of
17 the international situation prevailing at the time, I
18 considered it a form of propaganda and did not let the
19 matter remain in my head.

20 Q Were these protests by Ambassador Grew some of
21 the rumors to which you refer in the last paragraph
22 of your affidavit?

23 A It would be impolite for me to dismiss these
24 protests as rumors, but from my point of view the
25 Nanking Incident can be divided into four parts -- must

NAKAYAMA

CROSS

1 be looked at in light of the following four points:

2 First, massacre of civilians. I believe
3 this is without foundation.

4 Second, the massacre of prisoners of war. This,
5 also, I believe is also untrue, except for what I have
6 stated was mistakenly conveyed abroad.

7 Third, violation of foreign rights, parti-
8 cularly of foreign property. I believe there may
9 have been a few cases of this. However, it is impos-
10 sible to say whether these were committed by Japanese
11 troops or by Chinese troops. There were several cases
12 of this.

13 Fourth, cases of rape and of assault against
14 women and girls. I believe there were several cases
15 of this to a limited extent, and I regret that such
16 cases occurred.

17 It is very improper for me to state an
18 opinion before this Tribunal; however, I hope that such
19 incidents will not in the future occur.

20 Q And did you include as a rumor abroad in the
21 world, the report made by the German ambassador in
22 China to the German Foreign Office giving detailed
23 accounts of the happenings in Nanking from 8 December
24 1937 to 13 January 1938?

25

THE PRESIDENT: Mr. ITO.

NAKAYAMA

CROSS

1 MR. ITO: This matter was not touched upon
2 in the direct examination.

3 A I do not know of any such facts.

4 THE PRESIDENT: Mr. Sutton, do you wish to
5 be heard on that?

6 He is really speaking for General MATSUI.
7 He was with him, he purports to tell us all General
8 MATSUI did by way of protecting the Chinese against
9 any wrongdoing of the Japanese. In fact, at the
10 suggestion of one of my colleagues, I was going to ask
11 a comprehensive question about it.

12 The objection is overruled.

13 MR. SUTTON: The question is based upon
14 exhibit 329 in the record.

15 Q And did not the report of the German Foreign
16 Office state that the fateful days of Nanking clearly
17 show "the lack of discipline, atrocities and criminal
18 acts, not of an individual, but of an entire army,
19 namely, the Japanese"?

20 A It is a fact that headquarters did everything
21 in its power to prevent the occurrence of such incidents.
22 I believe that only history can give a fair appraisal
23 of to what extent military discipline in the Japanese
24 Army had been relaxed.
25

THE MONITOR: Japanese Army as a whole.

NAKAYAMA

1 MR. SUTTON: That concludes the cross-
2 examination.

3 THE PRESIDENT: Witness, have you told us
4 all the measures taken by General MATSUI to prevent
5 the occurrence of criminal acts by the Japanese troops
6 in Nanking and punish offenders?

7 THE WITNESS: I believe I have stated most
8 of the facts. There is just one remaining fact which
9 I would like to be permitted to state. Towards the
10 end of 1937, incidents occurred in which either Japanese
11 or Chinese soldiers entered foreign buildings,
12 especially consulate-generals, legations and embassies,
13 and looted them.

14 THE PRESIDENT: Well, you said this morning
15 that some Chinese soldiers who hid in the safety zone
16 were executed after a court-martial. What was the
17 offense?

18 THE WITNESS: I do not know the details of
19 the case. However, if soldiers should hide in a safety
20 zone without surrendering and retaining their weapons,
21 they would have no defense even if they were charged
22 with conspiring for some future purpose.

23 Also, I recollect that at the time the
24 Shanghai Expeditionary Forces issued a proclamation
25 urging Chinese soldiers who had fled into the safety

NAKAYAMA

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21 they would have no defense even if they were charged
22 with conspiring for some future purpose.

23 Also, I recollect that at the time the
24 Shanghai Expeditionary Forces issued a proclamation
25 urging Chinese soldiers who had fled into the safety

NAKAYAMA

1 zone to surrender.

2 Concerning the looting of foreign buildings,
3 of which I have just spoken, General MATSUI, on hearing
4 of this, immediately dispatched me from Shanghai, from
5 his headquarters in Shanghai, to Nanking to investigate
6 the case. Furthermore, on hearing that the vehicles
7 belonging to foreign diplomatic missions had been
8 stolen, the army headquarters at Shanghai immediately
9 purchased over a dozen new cars and sent them to the
10 diplomatic missions in Nanking to make up for that loss.

11 THE PRESIDENT: Where are the court-martial
12 records, do you know?

13 THE WITNESS: Although I do not know the
14 details, I believe they were held by the Shanghai
15 headquarters of the Shanghai Expeditionary Forces.

16 THE PRESIDENT: Was MATSUI replaced by HATA
17 as a punishment for the rape of Nanking?

18 THE WITNESS: No, that is not the case. Since
19 General MATSUI had become commander of the Japanese
20 forces from the reserve list and had established his
21 fame, it was thought proper that he should be replaced
22 by a general on the active list. That is what I think;
23 and also since General MATSUI was getting on in years.
24
25

NAKAYAMA

REDIRECT

REDIRECT EXAMINATION

1

2 BY MR. ITO:

3

4 Q Witness, you stated yesterday that you knew
5 of the fact that the Russian Embassy had been burned.
6 Did you investigate the causes of that fire?

7

A I did.

8

Q What were the results of that investigation?

9

10 A As a result of the investigation the causes
11 of the fire still remained uncertain. We do not know
12 whether it was because of a genuine mistake or whether
13 the caretaker of the embassy intentionally set fire
14 to the building. I know that the Russian Embassy had
15 a caretaker at the time. I do not -- there is nothing
16 in my memory to indicate that the Russian Government
17 ever protested to the Japanese concerning this inci-
18 dent.

19

MR. ITO: I conclude my redirect.

20

May the witness be released on the usual terms?

21

THE PRESIDENT: He is released accordingly.

22

(Whereupon, the witness was excused.)

23

MR. KANZAKI: Counsel KANZAKI.

24

25 May I have the witness OIKAWA, Genshichi,
called to the stand?

OIKAWA

DIRECT

1 G E N S H I C H I O I K A W A, recalled as a
2 witness on behalf of the defense, having been
3 previously duly sworn, testified through
4 Japanese interpreters as follows:

5 DIRECT EXAMINATION (Continued)

6 THE PRESIDENT: You are still on your former
7 oath.

8 MR. KANZAKI: May I have defense document 1324
9 shown to the witness?

10 (Whereupon, a document was handed
11 to the witness.)

12 BY MR. KANZAKI:

13 Q Witness, please look at this affidavit.
14 Was this affidavit drawn up by yourself?

15 A This is affidavit I have made, I have drawn up.

16 Q Is the signature yours?

17 A Yes, it is mine.

18 Q Are there any corrections to be made in its
19 contents?

20 A There is no correction to make.

21 THE PRESIDENT: Are the contents true?

22 THE WITNESS: The contents are true.

23 MR. KANZAKI: I present defense document 1324
24 in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

OIKAWA

DIRECT

1 CLERK OF THE COURT: Defense document 1324
2 will receive exhibit No. 2579.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 2579 and received in evidence.)
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OIKAWA

DIRECT

1 MR. KANZAKI: I shall read exhibit 2579 with
2 the exception of paragraphs 1, 2 and 5.

3 "We did not consider the China Incident a
4 regular war. Our basic desire lay in the resumption
5 of peaceful relations between China and Japan by settling
6 the Incident at the earliest possible moment, and
7 having the Chinese understand our true intentions. For
8 this purpose, we tried to destroy Chinese troops hostile
9 to Japan. Accordingly, Japan acted in political,
10 economic, and cultural fields with this end in view.

11 "In speaking of the economic field, areas
12 occupied by Japanese troops were devastated by gun-
13 fire exchanged between the opposing forces. The Chinese
14 troops in adopting the scorched-earth tactics had
15 destroyed everything so that nothing should be left
16 for the Japanese troops to make use of.

17 "Naturally the Japanese troops were incon-
18 venienced by such tactics. However, it was Chinese
19 masses who were affected worse by it, because their
20 living was immediately threatened by the destruction of
21 means of production. Not only the people but also the
22 later established local government as well as the
23 central government were anxious to rehabilitate the
24 devastated area and to stabilize the living of the
25 masses. Needless to say that people's livelihood being

OIKAWA

DIRECT

1 menaced, public peace should be threatened. Thus,
2 members of the new Government were most anxious to
3 maintain public peace, since to stabilize people's
4 livelihood was the important administrative object.
5 Japan, on the other hand, had to bear the responsibility
6 for securing the masses' livelihood according to the
7 desire by the people and the new Government, and for
8 settling the Incident as soon as possible. We felt
9 keenly that public peace should early be restored and
10 general production be resumed in accordance with their
11 request. Japan's wishes were that China herself and
12 not Japan should accomplish this economic rehabilita-
13 tion. Nevertheless, there were no capitalists to fur-
14 nish necessary funds, because many of the Chinese
15 capitalists had fled far into hinterland, and materials
16 were also lost for the above-mentioned reason. Japan,
17 therefore, had to take upon herself the task of the
18 speedy rehabilitation by providing the Chinese with
19 necessary capital, materials, and industrial techniques.
20

21 "This gave rise to enterprises established in
22 various localities under Japan's guidance. They took
23 the form of joint enterprises between Chinese and
24 Japanese civilians, despite Japan's wishes to have China
25 solve her economic problems as much as was practicable.
This was because, for the reasons stated above, the

OIKAWA

DIRECT

1 the Chinese were unable to manage the task single-
2 handed, and required Japan's aid. We employed as many
3 influential Chinese as possible as staff members and
4 employees of such concerns, and endeavored as far as was
5 practicable to appoint the Chinese employees to positions
6 they were better qualified. Since it was extremely
7 difficult for individual companies at home to raise
8 funds, collect materials, and send over engineers,
9 the entire area was divided into North China and Cen-
10 tral China blocs respectively, and one company was
11 established in each bloc according to its local peculiar-
12 ities, so that the companies so established could co-
13 operate with us to their fullest extent.

14 "These are the reasons why the North China
15 Development Company and the Central China Development
16 Company were established.

17 "Enterprises undertaken by minor companies
18 were hardly profitable. However, since these companies
19 were engaged in important branches of industry, we
20 exerted our best in conducting the companies' operations
21 despite the fact there were no profits in them, and
22 the operations called for various sacrifices on our
23 part. The burden of improving such companies' standing
24 was borne by their parent companies which financed and
25 made investments in them.

OIKAWA

DIRECT

1 "Since these two parent companies were important,
2 being instrumentalities for the execution of Japan's
3 significant objects, the Government made sure their
4 successful operation by not leaving their management
5 to private collaboration, but gave them subsidies with
6 funds from national appropriations.

7 "The Government continued to bear this finan-
8 cial burden to the extent that the subsidies were
9 continued from the outset of hostilities till the
10 termination of the Incident.

11 "As has been explained above, Japan's economic
12 policy in China reflected her sincere efforts for
13 China's rehabilitation and, I believe, did not consti-
14 tute economic aggression.

15 "It is not probable that the North China and
16 the Central China Development Companies brought pres-
17 sure upon the Chinese masses, confiscated Chinese
18 civilians' properties and issued orders to loot people's
19 possessions. The companies might have extended protec-
20 tion to the Chinese, but never robbed them of anything.
21 Certain insignificant persons among the personnel might
22 have misbehaved; however, the fundamental national
23 policy as it was, neither the Army nor the companies
24 ever committed such acts.

25 "Next, I will state facts concerning the

OIKAWA

DIRECT

1 restoration to original owners of Army supervised fac-
2 tories. The factories which the Army took over during
3 the Incident were returned to former owners when former
4 proprietors came back from the places of their evacua-
5 tion, provided they were their lawful owners and had
6 sufficient means to continue their operation. Factories
7 thus restored to their former owners added up to con-
8 siderable numbers.

9 "It is not possible that facilities and mach-
10 ines of such companies were found reduced in number when
11 returned to original proprietors; rather, there were
12 many companies whose facilities were improved upon.
13 The Kohoku Industrial Company which was under the manage-
14 ment of the Kanegafuchi Spinning Company constitutes
15 one of such instances. The electric company in Shanghai
16 also had additional installation of superior machines
17 by degrees and was able to generate larger power than
18 before.

19 "In addition, various materials and facilities
20 were sent from Japan, such as gas, railroad and motor
21 busses."

22 Skipping to 6.

23 "To cite a concrete example showing that
24 Japan's policy toward China did not aim at an economic
25 aggression against China, she was then confronted with

OIKAWA

DIRECT

1 difficult food problems, the supply of rice having
2 fallen short of demand by over half a million tons.
3 To begin with, we imported flour from Canada, United
4 States and Australia, and sent it chiefly to North
5 China. Later, finding it difficult to import flour
6 from these countries, we supplied the area with precious
7 stores of rice which Japan had imported previously
8 from French Indo-China and Thailand for domestic con-
9 sumption. The rice then was in custody of the Agri-
10 culture and Forestry Ministry.

11 "Immediately after the outbreak of the Pacific
12 War we started reclamation work in North China for
13 the purpose of making the area self-supporting and
14 self-sustaining. Our plan was to change into fertile
15 paddy fields the then barren land stretching from Taku
16 sector to Luan-chow. After two or three years our
17 efforts were fortunately rewarded with an annual rice
18 crop of around 2,500,000 bushels. By extending the
19 area thus brought under cultivation, we planned to make
20 North China self-containing. However, owing to intense
21 interference by Chinese communists, persons engaged
22 in the reclamation work suffered severe losses, and
23 the work did not develop any further. It is my firm
24 conviction, nevertheless, that the 2,500,000 bushels of
25 rice contributed a great deal toward improving the food

OIKAWA

DIRECT

1 situation in North China. In addition, we imported
2 grains into North China from Mentsiang and Manchuria
3 by way of supplementing the insufficient food supply
4 there. North China had long since been suffering
5 from the shortage of foodstuffs, the area being able
6 to yield scant one-third of the required amount. It
7 was due to great efforts on the part of Japan that
8 the food shortage was thus replenished.

9 "In addition, we formulated plans for an exten-
10 sive reclamation work in the area north of the Yangtze
11 River, and also for the construction of a dam near
12 Sanmensia on the Yellow River above Loyang, after re-
13 pairing the river embankment which Chinese troops had
14 destroyed. The construction of the dam was for the
15 dual purpose of preventing the seasonal overflow of
16 the Yellow River and of generating 50 kilowatts of
17 electric power by utilizing the dike. The power was
18 to be devoted to the industrial development of North
19 China. It is regrettable that, interfered with by the
20 subsequent war situation, these plans failed to be
21 executed.

22
23 "This fact by itself proves, nevertheless,
24 that Japan exerted her utmost for the settlement of
25 the Incident at the earliest possible moment so as to
create a peaceful region where people's living would

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1 be stabilized and their living standard would be raised."

2 Signed "OIKAWA, Genshichi."

3 THE PRESIDENT: Well, you have invited us not
4 to take any notice of opinions expressed on behalf of
5 the prosecution; I suppose that extends to opinions
6 expressed by witnesses for the defense.

7 MR. KANZAKI: Please cross-examine.

8 THE PRESIDENT: Brigadier Quilliam.

9 BRIGADIER QUILLIAM: May it please the Tribunal,
10 we do not wish to cross-examine.

11 But in connection with the evidence of **this**
12 witness and the witness who gave evidence yesterday on
13 a similar subject, KAWAMOTO, whose evidence is in
14 exhibit 2576, it may be of assistance to the Tribunal
15 if the following references to prosecution documents
16 are given: The references are to exhibits 861, 460-A,
17 470, 467 and 594.

18 THE PRESIDENT: Mr. KANZAKI.

19 MR. KANZAKI: May the witness be released on
20 the usual terms?

21 THE PRESIDENT: He is released accordingly.

22 (Whereupon, the witness was excused.)

23 THE PRESIDENT: We will recess for fifteen
24 minutes.

25 (Whereupon, at 1045, a recess was taken

1 until 1100, after which the proceedings were
2 resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Counselor BANNO.

4 MR. BANNO: The defense now offers the
5 following 10 documents which are certificates con-
6 cerning some materials referred to by witness KAWABE,
7 Torashiro in his affidavit.

8 I present defense document No. 1382 in
9 evidence.

10 THE PRESIDENT: Mr. Comyns Carr.

11 MR. COMYNS CARR: Your Honor, this certificate
12 purports, in effect, to describe the contents or
13 at least the purport of the missing document, and,
14 in my submission -- In fact, there is no such
15 description of a document in the affidavit. The
16 passage in the affidavit, to which my friend calls
17 my attention, does not describe the document there
18 stated to be missing in any such terms as appear in
19 the certificate at all.

20
21 My first objection, therefore, is that
22 a person giving a certificate cannot in a certificate
23 invite the Court to accept a description of the
24 contents of the document.

25 The second is, that the certificate merely
says that the original document is not in the custody

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9 evidence.

10 THE PRESIDENT: Mr. Comyns Carr.

11 MR. COMYNS CARR: Your Honor, this certificate
12 purports, in effect, to describe the contents or
13 at least the purport of the missing document, and,
14 in my submission -- In fact, there is no such
15 description of a document in the affidavit. The
16 passage in the affidavit, to which my friend calls
17 my attention, does not describe the document there
18 stated to be missing in any such terms as appear in
19 the certificate at all.

20
21 My first objection, therefore, is that
22 a person giving a certificate cannot in a certificate
23 invite the Court to accept a description of the
24 contents of the document.

25 The second is, that the certificate merely
says that the original document is not in the custody

1 of our office at present, which does not account
2 for it at all.

3 THE PRESIDENT: Certificates are never
4 used to explain the absence of a document. Their
5 purpose is to authenticate the contents of a docu-
6 ment, and, at any event, the certificate will have
7 to be complete on its face and this is not. It merely
8 certifies that the document is not at present
9 in the Office of the Demobilization Bureau. The
10 document has no probative value that I can see.

11 MR. BANNO: I would like to add one word
12 of explanation on this point.

13 THE PRESIDENT: The Court upholds the
14 objection and rejects the document.

15 MR. BANNO: Next I offer in evidence defense
16 document 1372, which is a certificate showing that
17 the original document entitled "General Plan of
18 Military Operations in China," which was decided
19 upon at 29 July, 1937, no longer exists.

20 THE PRESIDENT: Mr. Comyns Carr.

21 MR. COMYNS CARR: Your Honor, we do not
22 object to this one because it does state that the
23 document was burnt at the end of the War and that is,
24 of course, subject to the comments we have made on
25 that matter on previous occasions which I shall not

1 repeat now.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document

4 1372 will receive exhibit No. 2580.

5 (Whereupon, the document above
6 referred to was marked defense exhibit
7 No. 2580 and received in evidence.)

8 MR. BANNO: I shall read exhibit No. 2580.

9 "C E R T I F I C A T E

10 "I hereby certify that the document entitled
11 "Outline of the Anti-Chinese Operation," and determined
12 on 29th July 1937, was, on investigation, found
13 to be burnt up at the end of war, and which has not
14 been thenceforth in the custody of this authority.

15 "certified at Tokyo

16 "on this 25th day of April 1947

17 "MIYAMA, Yozo (seal)"

18 THE PRESIDENT: What authority? That
19 does not appear on the face of the certificate.

20 MR. BANNO: This authority is the First
21 Demobilization Bureau.

22 THE PRESIDENT: Well, if that is admitted
23 we need not bother, but nothing appears on the face
24 of the certificate.

25 MR. COMYNS CARR: Your Honor.

1 THE PRESIDENT: Yes.

2 MR. COMYNS CARR: It does appear from other
3 certificates that the person giving the certificate
4 does hold that office and, therefore, I do not take
5 objection.

6 MR. BANNO: This defense document 1158, is
7 a certificate showing that the original copy of the
8 order issued on 8 July, 1937, prohibiting resort
9 to arms in order to localize the Incident, no longer
10 exists. Since it has already been offered in evidence
11 as exhibit 2493, we wish here merely to invite the
12 attention of the Tribunal to this document.

13 Next, defense document 1159. This is a
14 certificate showing that the document dated 9 July,
15 1937, setting out policies to be followed in negotiations
16 with China, no longer exists. Since it has already
17 been offered in evidence as exhibit 2494, we wish
18 here merely to invite the attention of the Tribunal
19 to this document.

20 THE PRESIDENT: Mr. Comyns Carr.

21 MR. COMYNS CARR: Your Honor, both those
22 last two were already exhibits and it is too late
23 for me to make now the comments I would otherwise
24 have made.

25 THE PRESIDENT: Every document is admitted

1 on terms which warrant an attack on it if that is
2 justified by facts not known to the Court. You
3 may make any representations you care to about the
4 document now that it is referred to.

5 MR. COMYNS CARR: Your Honor, with regard
6 to 1158, exhibit 2493, the objection is that it
7 purports to describe the contents of the document,
8 but, as it does give the explanation that the document
9 was burnt at the end of the War, and so does 2494,
10 I shouldn't object to their admissibility but merely
11 ask the Tribunal to disregard the description of
12 the contents of the document in 2493.

13 THE PRESIDENT: Counselor BANNO.

14 MR. BANNO: I have nothing to say.
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1 Next defense document 1157. This is a
2 certificate showing that original document entitled
3 "General Plan for the Settlement of the North China
4 Incident" no longer exists. Since it has already
5 been offered in evidence as exhibit 2492 we wish here
6 merely to invite the attention of the Tribunal.

7 Next I present defense document 1383 in
8 evidence. This is a certificate showing that the
9 order based upon the Imperial command issued on
10 11 July 1937 concerning the dispatch of a part of
11 the Japanese forces then in Manchuria and Korea to
12 China no longer exists.

13 THE PRESIDENT: Mr. Comyns Carr.

14 MR. COMYNS CARR: Your Honor, in our
15 submission this one is not a proper certificate as
16 it merely certifies that the document is not in the
17 custody of the Demobilization Ministry.

18 THE PRESIDENT: Documents already admitted
19 without objection disclose the same defect.

20 MR. COMYNS CARR: I think those admitted
21 without objection, your Honor, all say they were
22 burnt at the end of the war.

23 THE PRESIDENT: You are right, Mr. Carr.
24 The objection is upheld and the document rejected.
25

 MR. BANNO: Next I present defense document

1374 in evidence. This is a certificate showing that the original document entitled "Plan for the Solution of the North China Incident," which was decided upon on 16 July 1937 no longer exists.

THE PRESIDENT: Mr. Carr.

MR. COMYNS CARR: No objection to that one. It gives the explanation it was burnt at the end of the war, your Honor.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1374 will receive exhibit No. 2581.

(Whereupon, the document above referred to was marked defense exhibit No. 2581 and received in evidence.)

MR. BANNO: I shall read exhibit No. 2581:

"CERTIFICATE

"I hereby certify that the document entitled 'Policy for the Settlement of the North China Incident,' 16th July 1937, was, on investigation, found to be burnt up at the end of war and which has not been thenceforth in the custody of this authority.

"Certified at Tokyo on this 25th day of April 1947.

"MIYAMA, Yozo (seal), Chief of the Archives Section in The First Demobilization Bureau."

1 THE PRESIDENT: The Clerk of the Court
2 does not appear to have copies for distribution
3 among the Judges.

4 MR. BANNO: Copies were assembled and given
5 to the Clerk of the Court for distribution.

6 THE PRESIDENT: Proceed with the next
7 document.

8 MR. BANNO: Next I present defense document
9 1386 in evidence. This is a certificate showing that
10 the original copy of the telegram communicating the
11 above plan for the solution of the North China Incident
12 to the Japanese forces at the spot no longer exists.

13 THE PRESIDENT: Mr. Comyns Carr.

14 MR. COMYNS CARR: Your Honor, that one merely
15 says it is not in the custody of the office with no
16 further explanation. We object.

17 THE PRESIDENT: We have not seen it but we
18 assume you are stating the fact. The objection is
19 upheld and the document rejected.

20 MR. BANNO: Next I present defense document
21 1385. This is a certificate showing that the original
22 copy of the telegram ordering the Japanese forces not
23 to advance beyond the Yingting River issued 27 July
24 1937 no longer exists.

25 THE PRESIDENT: Mr. Carr.

1 MR. COMYNS CARR: Your Honor, I object to
2 that both on the ground that it purports to give the
3 contents and also on the ground that the only explan-
4 ation is that it is not in the custody of the office.

5 MR. BANNO: The meaning of this certificate
6 was that the original telegram was burnt up and that
7 copies of it no longer exist anywhere.

8 THE PRESIDENT: We cannot allow you to
9 certify to the certificate. The objection is upheld
10 and the document rejected.

11 MR. BANNO: Next I present defense document
12 1384. This is a certificate showing that the document
13 concerning information of the Chinese during the
14 period from 7 July 1937 to late in August of the
15 same year no longer exists.

16 THE PRESIDENT: Mr. Carr.

17 MR. COMYNS CARR: Same objection, your Honor.
18 It merely says it is not in the office.

19 THE PRESIDENT: Same ruling.

20 I understand from the Marshal of the Court
21 that contrary to the order of the Court he has not
22 been supplied with the order of proof of these docu-
23 ments. He, as you know, must have pages ready to
24 distribute these documents and he is concerned in
25 knowing the order of proof.

1 MR. BANNO: The order of proof was presented
2 yesterday and since it was impossible to present the
3 witness KAWABE yesterday afternoon I told the Marshal
4 that he would be presented the next morning, and I
5 told him again this morning; and this morning I looked
6 in the box in front of the Clerk of the Court and saw
7 with my own eyes that the documents were there in order.
8 I believe that I have taken all the steps I could pos-
9 sibly take in regard to this matter.

10 THE PRESIDENT: The Marshal says that is
11 not so.

12 MR. COMYNS CARR: Your Honor, might we add
13 that the lists are changed so frequently and only at
14 a few hours' notice that we are finding it extremely
15 difficult to keep up with what is actually going to
16 be presented in court.

17 THE PRESIDENT: We realize there would not
18 be as much cooperation among the defense counsel as
19 there would be among the prosecution counsel; never-
20 theless, we urge the defense counsel to do their best
21 to cooperate and save time.

22 MR. BANNO: May I have the witness, KAWABE,
23 Torashiro, called to the witness stand. The direct
24 examination will be by my colleague, Mr. Williams.
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1 T O R A S H I R O K A W A B E, recalled as a wit-
2 ness on behalf of the defense, having previously
3 been sworn, testified through Japanese interpre-
4 ters as follows:

5 THE PRESIDENT: You are still on your former
6 oath.

7 Mr. Williams.

8 MR. G. WILLIAMS: May the witness be shown
9 defense document No. 1381, please?

10 (Whereupon, a document was handed
11 to the witness.)

12 DIRECT EXAMINATION

13 BY MR. G. WILLIAMS:

14 Q Will you examine that document and tell the
15 Tribunal whether or not that is your affidavit?

16 A This is my affidavit.

17 Q Are the contents thereof true and correct?

18 A They are true and correct.

19 MR. G. WILLIAMS: If the Tribunal please,
20 the defense offers in evidence document No. 1391,
21 the affidavit of the witness KAWABE, Torashiro.

22 THE PRESIDENT: Mr. Comyns Carr.

23 MR. COMYNS CARR: Your Honor, this is a re-
24 vised edition of an affidavit, defense document 971,
25 which was rejected at page 20,768 of the record on

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25 which was rejected at page 20,768 of the record on

KAWABE

DIRECT

1 the ground that it was full of references to documents
2 not accounted for.

3 THE PRESIDENT: Did you say "page 2,768 of
4 the record"?

5 MR. COMYNS CARR: No, 20,768.

6 THE PRESIDENT: Yes.

7 MR. COMYNS CARR: Your Honor, in our submis-
8 sion, the revised version is little better.

9 THE MONITOR: "Is a little better."

10 MR. COMYNS CARR: Is not much better.

11 THE PRESIDENT: Could you point out the
12 paragraphs that offend?

13 MR. COMYNS CARR: Well, your Honor, I have
14 counted twenty-four passages which, as near as I can
15 make out, contain references to documents.

16 THE PRESIDENT: Let it be understood that we
17 are not insisting on the production of documents but
18 only on the good reasons or convincing reasons for
19 their absence if they are not produced.

20 MR. COMYNS CARR: Yes, your Honor.

21 THE PRESIDENT: We are in danger of being
22 reported for rejecting evidence because it is not
23 supported by documents. We are doing no such thing.
24 We are asking for an account of the document if it
25 is not produced. We want to know what happened to it.

KAWABE

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1 MR. COMYNS CARR: Of the twenty-four, the
2 great majority are described in the affidavit as
3 documents; and, with regard to the remainder, the
4 contents of the affidavit, in our submission, make
5 it clear that they must have been documents. Five
6 of them have now been accounted for by certificates
7 which have been admitted, and five others were
8 attempted to be accounted for by certificates which
9 have been rejected.

10 As to the five which have been admitted and
11 two others as to which there are no certificates, the
12 witness, in the revised version of the affidavit,
13 attempts to account for them himself.

14 THE PRESIDENT: Instead of making an attempt
15 to get them, he just sits down and draws on his
16 imagination as to what happened to them.

17 MR. COMYNS CARR: He says they were burned
18 later at no specified time, place or manner.

19 THE PRESIDENT: Most of the things testified
20 to here are great events in history and, no doubt,
21 would have been recorded in writing at the time. All
22 we are looking for is the written record if it is
23 available. If it is not, we must dispense with it,
24 but we must be satisfied that it is not available.

25 MR. COMYNS CARR: The prosecution, your Honor,

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1 are anxious either to see the document or to have an
2 explanation which can be the subject of comment as
3 throwing light on the truthfulness of the witness'
4 description of the contents.

5 MR. BANNO: Mr. President, this witness,
6 as will be clear from the affidavit, was personally
7 concerned with these documents and also was person-
8 ally aware of the fact that these documents were
9 burned and are not now in existence. The Tribunal's
10 decision of April 24 was that documents referred to
11 in the affidavit must be attached to the affidavit;
12 or, if these documents are not available, an explana-
13 tion as to why they are not available must be in-
14 cluded in the affidavit.

15 In line with this decision, in the revised
16 affidavit the witness has taken pains to clear up
17 any points in regard to the documents in question.

18 THE PRESIDENT: Well, I think we will have
19 to read his affidavit to discover whether he has
20 given convincing reasons for the absence of any docu-
21 ments not produced. Apparently, he has made some
22 attempt to account for the documents. Even in Mr.
23 Carr's statement that appears. As a colleague ob-
24 serves, he can be cross-examined about these missing
25 documents. The document is admitted on the usual

KAWABE

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23 Carr's statement that appears. As a colleague ob-
24 serves, he can be cross-examined about these missing
25 documents. The document is admitted on the usual

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1 terms. The objection is overruled.

2 CLERK OF THE COURT: Defense document 1381
3 will receive exhibit No. 2582.

4 (Whereupon, the document above re-
5 ferred to was marked defense exhibit No.
6 2582 and received in evidence.)

7 THE PRESIDENT: Mr. Williams.

8 MR. G. WILLIAMS: (Reading)

9 Sworn Deposition of KAWABE, Torashiro:

10 "I, KAWABE, Torashiro, was on duty from
11 March 1937 (the 12th year of Showa) to the end of
12 February of the next year, as a section chief of the
13 General Staff, taking charge of the affairs relative
14 to tactics in the Central Military Supreme Command.
15 During this term, I met with the outbreak of the
16 China Incident. I, therefore, depose on the problem
17 concerning tactics of the Central Supreme Command,
18 during the period from the time just prior to the
19 outbreak of the China Incident to its early stages.

20 "General survey by the Central Military Su-
21 preme Command of the world situation at the time just
22 prior to the outbreak of the China Incident.

23 "The Central Supreme Command, in order to
24 draw up various plans of national defense and tactics,
25 had to make, as a matter of course, a survey of the

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1 international situation of the time. In the spring
2 of 1937 (the 12th year of Showa) when I took office
3 as a section chief of the General Staff, the Cen-
4 tral Supreme Command passed general judgment on the
5 world situation of the time as roughly mentioned
6 below:

7 "A. The European Powers are indicating
8 their recovery at length from their exhaustion and
9 debility from World War 1. Especially, the vivid
10 foreign policies of Germany and Italy have been
11 creating various causes which might give rise to new
12 situations in the world. Various Western nations of
13 the whole world are divided into two opposing groups
14 of great influence. Such circumstances foreshadow
15 that the time will come when both groups must be
16 brought into a large-scale clash ultimately.

17 "B. The Soviet Union has step by step in-
18 creased her national power by effecting the Industrial
19 Five Year Plan. She, at the same time, is making her
20 stand clear, setting focus upon the international prob-
21 lem of interests rather than upon ideology or prin-
22 ciples with which she has actively propagandized in
23 the early period of foundation.

24 "On the other hand, the military establish-
25 ments in the eastern part of the Union have rapidly

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DIRECT

1 been strengthened of late and the parallel tracking
2 of the Siberian Railway has been completed which
3 has markedly increased its military value.

4 "'C. Although such is the general situation
5 of the Western Powers, any country would not be
6 desirous of bringing about a great war and statesmen
7 of the Powers will make great efforts to prevent a
8 war.

9 "'Accordingly, no incident will probably
10 occur in the immediate future, of such magnitude
11 where the various Powers would be willing to stake
12 their existence.

13 "'D. In China, the real controlling power
14 of the Nationalist Regime has grown more and more
15 strong. They, however, refrain for the present as
16 ever from making various sorts of direct anti-alien
17 operations for restoring national rights. They have
18 gradually come to realize the true intention of Japan
19 on the Manchurian problem and have shown a tendency
20 to bring about friendly relations with Japan, trying
21 to make various agreements with Manchuria. Neverthe-
22 less, racial consciousness is inclined to become
23 stronger among the intellectual people, students,
24 etc., anti Japanese sentiment has gradually permeated
25 students, soldiers, etc., and thus the anti-Japanese

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1 measures taken by the Chinese Communists are gaining
2 ground.'
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1 measures taken by the Chinese Communists are gaining
2 ground.'

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1 "2. Views of the Central Supreme Command of
2 the time on national defence.

3 "The Central Supreme Command, on the above
4 judgment relative to the international situation, has
5 the following view concerning the Japanese position in
6 point of national defence:

7 "A. With a great international struggle which
8 is sooner or later to be expected to break out among
9 various Western nations, Japan has no moral or interested
10 relations to be drawn into its vortex. Japan, therefore,
11 ought to keep aloof from it.

12 "B. Steady progress of Manchoukuo as well as
13 friendly and co-existent relations among the three
14 states of Japan, China and Manchoukuo are what secure
15 our national defence, maintaining the peace in the Orient.
16 Either anti-Japanese sentiment or contemptuous feeling
17 towards Japan on the part of China will naturally dis-
18 appear if the Japanese will reflect on their attitude
19 and be prudent; and if the national strength of Japan
20 becomes replete. As a result, true friendship and
21 mutual respect among the aforementioned three states
22 shall come into existence, by which any of these states
23 can insure the security of national defence.

24 "C. When we reflect upon the actual conditions
25 of Japanese national strength from the standpoint of

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1 national defence, we acknowledge that her strength is
2 extremely inferior in various sorts of material factors
3 necessary for self-defence and self-existence as a
4 modern state. So long as the status quo remains as is,
5 it cannot be guaranteed that the purposes of both first
6 and second items mentioned above will be achieved.

7 "With such a view of national defense, the
8 Central Supreme Command had established the following
9 principle since about half a year before March 1937,
10 which I took office. When I assumed my office, the
11 chief of the First Division, my superior officer, fully
12 explained the purport of this principle, which was as
13 follows:

14 "In order to insure the country's peace and
15 security in point of national defense at this moment
16 when the new situation of the world has begun to show
17 a delicate world move, the Army should make special
18 efforts to improve itself in quality and efficiency.
19 The military forces stationed in foreign territories
20 should be very cautious in everything and restrain
21 themselves and endeavor not to commit any faults that
22 they might not occasion any international trouble. The
23 Central Supreme Command, in cooperation with the military
24 administrative authorities, should help them, directly
25 or indirectly, in carrying out various national policies

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1 to promote our national power.' This was at that time
2 the principle and creed which all the personnel of the
3 Central Supreme Command observed in unity.

4 "3. The measures taken for the purpose of
5 having the military forces understand completely the
6 policy of the Central Supreme Command.

7 "The aforementioned principle and policy were
8 shown and explained by the Central Supreme Command's
9 authorities at 'the Conference of the Divisional and
10 Army Commanders' which was held in May 1937 (the 12th
11 year of Showa). Moreover the Central Supreme Command,
12 on consulting with the War Ministry, sent Lt. Col. OKAMOTO,
13 a competent officer, of the War Ministry to North China
14 about June 1937, for making an investigation of actual
15 conditions of the Japanese forces in China which were
16 in close contact with the Chinese forces in North China
17 which seemed to be especially permeated with anti-Japanese
18 sentiment, and, at the same time, to have the Japanese
19 forces understand completely the purpose of the Central
20 Supreme Command.

21 "According to his report made on his return
22 after having investigated thoroughly the conditions of
23 the Japanese forces there, the principle of the Central
24 Supreme Command was thoroughly understood by the Head-
25 quarters in China and every unit under its command, and

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1 we did not need to worry about the matter so far as the
2 Japanese forces were concerned.

3 "4. The program for operations in China at
4 the time prior to the China Incident.

5 "Japan, who had special relations with China,
6 was often compelled to make a temporary despatch of
7 forces on a small scale to China.

8 "Accordingly, in the program for tactics in
9 China for the year of 1937 (the 12th year of Showa),
10 there was what corresponded to the case of calling for
11 the sending of a part of the forces in order to secure
12 our interests and to protect residents there. But it
13 was never intended to use military forces on a large
14 scale in China, much less to draw out an overall oper-
15 ation plan over the broader range of the whole Chinese
16 territory.

17 "Only a plan was drawn out, for the time being,
18 concerning the estimated number of despatched forces,
19 the name of the home division which shall take charge
20 of despatching the forces, the measure for transporting
21 the forces, the points of embarkation, etc., in case
22 of need of sending forces for the purpose of protecting
23 our interests and residents at every locality such as
24 Tientsin-Peiping Province, Tsintao, Shanghai, Swatow,
25 Amoi, etc., which were closely connected with our

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1 country.

2 "This plan definitely existed as a part of the
3 document concerning the tactical plan of the General
4 Staff Headquarters and as section Chief I remember its
5 general outline but it was later destroyed by burning
6 and does not presently exist.

7 "5. The duty of the Japanese garrison in China
8 and its special character.

9 "The duty of the Japanese garrison in China,
10 equal to that of the military forces of the Powers
11 according to the Treaty of the Boxer's Rebellion in 1900
12 (the 33rd year of Meiji), was in 'guarding the legation
13 quarters, securing the communication line from Peiping
14 to the seaport and protecting the residents.' And the
15 strength of the garrison in 1937 numbered about 7,000
16 in all. Of all troops stationed in foreign territory,
17 this garrison had a special character as follows:

18 "A It was absolutely a unit for guarding in
19 a place, which had no military supplies and was hardly
20 provided with ammunitions and equipment for military
21 operation.

22 "B. It was not authorized to draw up a plan
23 for military operation of itself in consideration of war.

24 "C. Notwithstanding the fact that it was a
25 unit for guarding, stationed in Chinese territory, it

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1 was prohibited by the special order of the Central
2 Supreme Command to do training, with the Chinese Army
3 as its object.

4 "6. The attitude of the Central Military
5 Supreme Command at the time of the Lukowchiao Incident
6 broke out.

7 "The following items I am about to relate below,
8 various information concerning the situation of the
9 Chinese Army, are based mainly on telephone and tele-
10 graphic messages from the Headquarters of the Garrison
11 Army in China and telegrams from the Japanese military
12 attaches resident in China. These records and originals
13 of message receipts and telegrams were kept at General
14 Staff Headquarters at the time but later were all des-
15 troyed by fire and do not presently exist. What I am
16 relating here are only the important items which still
17 remain in my memory.

18 "The first report, relating to the Lukowchiao
19 Incident, which broke out on the night of July 7, 1937
20 (the 12th year of Showa), was received by the Central
21 Supreme Command on the morning of July 8, and I was
22 notified as soon as I came to the office. The Central
23 Supreme Command, on the whole, was calm. While I was
24 thinking about it as an unpleasant event brought about
25 by the Chinese, I did not take it as a grave matter; for

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1 there had so often been such similar trouble in
2 the past that I simply considered that the matter would
3 as usual be settled soon by mutual negotiation between
4 the authorities of the Japanese and Chinese forces there.

5 "At the Central Supreme Command we, the respon-
6 sible persons, without holding any conferences in parti-
7 cular to deliberate on counter-measures for it, kept
8 ourselves in touch with one another on the case as we
9 were accustomed to for ordinary business. All concerned
10 concurred in the opinion that we, in accordance with
11 the aforementioned Central Supreme Command's policy and
12 without any objections among ourselves, would prevent
13 the incident from becoming enlarged, and to have the
14 authorities at the spot settle the matter as soon as
15 possible.

16 "But the report which arrived on the 8th from
17 the armed forces on the spot showed that the Chinese
18 attitude was not necessarily so compromising that it
19 would immediately put an end to the tense situation.
20 Therefore, at about 6:30 p.m. on the same day, the
21 Chief of General Staff gave, before anything else, a
22 telegraphic order saying, 'In order to prevent enlarge-
23 ment of the incident, you shall take more positive steps
24 to avoid using military force and required prudence of
25 the Commander of the Garrison in China.'

KAWABE

DIRECT

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25 the Commander of the Garrison in China.'

KAWABE

DIRECT

1 "This telegram was kept in custody of the
2 General Staff Headquarters but was later destroyed by
3 fire and does not presently exist. As I personally was
4 connected with it in drawing it up at the time, however,
5 and having received approval from higher command for it
6 and having sent the wire, and since my instructions
7 were to remember the importance in its meaning, it still
8 remains in my memory at present very well.

9 "On the following 9th, the central Command's
10 instructions which were necessary for negotiations
11 between both the Japanese and the Chinese forces at the
12 spot to settle the incident was given by telegram to
13 the Commander of the Garrison in China by the Vice Chief
14 of the General Staff -- namely, 'for the settlement of
15 the Lukowchiao Bridge Incident, refrain from concerning
16 yourselves on any political problem on this occasion
17 and propose, in the main, the following requests to arrange
18 for having the Hopei-Chahar authorities approve and
19 execute them in the shortest time.

20 "1) Suspension of the stationing of Chinese
21 forces near the Lukowchiao Bridge on the left bank of
22 the Yungting River.

23 "2) Security necessary for the future.

24 "3) Punishment of those directly responsible
25 for the Incident.

KAWABE

DIRECT

1 "This telegram was kept in custody of the
2 General Staff Headquarters but was later destroyed by
3 fire and does not presently exist. As I personally was
4 connected with it in drawing it up at the time, however,
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21 forces near the Lukowchiao Bridge on the left bank of
22 the Yungting River.

23 "2) Security necessary for the future.

24 "3) Punishment of those directly responsible
25 for the Incident.

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DIRECT

1 "4) Apology.

2 "The above telegram also, as the one of July
3 8th, was kept in custody by the General Staff Head-
4 quarters but was later destroyed by fire and does not
5 presently exist. Similar to the other, however, as I
6 personally was connected with it in drawing it up at
7 the time, however, and having received approval for it
8 from higher command, and having sent the wire, and since
9 it was an important telegram, I remember its contents
10 very well.

11 "Arrangements made by the central Command in
12 conformity with the change of situation following that
13 of the preceding paragraph.

14 "Informed by the report of our forces at the
15 spot of the situation in which uncontrolled defiant
16 actions were committed intermittently by the Chinese,
17 (T.N. Hisenteki is a miswriting of chosenteki) up to the
18 morning of July 10th, the Central Command considered it
19 necessary to reinforce to the Garrison in China, and on
20 the evening of the 10th it was unofficially decided to
21 reinforce it with two brigades from the Kwantung Army,
22 with one division from Korea, and with three divisions
23 and other units from Japan proper, and preparation
24 lasted until the following 11th. But on the evening
25 of the 11th, as the Garrison in China reported that the

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1 Chinese forces approved all our demands which had been
2 under negotiation since yesterday, the Central Command
3 determined immediately to stop the plan of mobilization
4 of the divisions in Japan proper. Whereas the report
5 of our attache to the Embassy at Nanking reported that
6 the Chinese Central Command ordered the calling of air
7 units and the concentration of four division in the
8 northern provincial border regions of Honan Province.
9 The Central Command then could not take an optimistic
10 view regarding the situation in North China and was not
11 confident of the Chinese forces in North China in carry-
12 ing out their duties based on the conditions.

13 "Therefore it was decided that only the above-
14 mentioned forces from Korea and Manchuria preparing
15 for expedition should take action as already arranged
16 until the execution of the Conditions was confirmed,
17 and this order was issued at about" -- the time is not
18 in the copy clearly -- "on the evening of the 11th.

19 "Concerning the issuance of this order, I too
20 took part in drawing it up and besides obtaining approval
21 from higher command and being issued as an order with
22 Imperial sanction, it was an important matter so I remember
23 it very well. Later, however, documents relative to this
24 were destroyed by fire."

25 THE PRESIDENT: This is a convenient break.

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1 We will adjourn until half past one.

2 (Whereupon, at 1200, a recess was
3 taken.)
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1 AFTERNOON SESSION

2
3 The Tribunal met, pursuant to recess, at
4 1330.5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Mr. Williams.

8 MR. WILLIAMS: If the Tribunal please,
9 I continue with the reading of the witness KAWABE's
10 affidavit at the top of page six.11 "2. Since then, while observing the sit-
12 uation, the central Command came to know various
13 things from reports from various quarters up to the
14 evening of July 13th, the outline of which were as
15 follows:16 "(1) In North China, the Chinese forces
17 have been not only making such preparation for war
18 as building positions, transporting forces, etc.
19 but also had fired on our forces who were passing
20 in the suburbs south of Peking today.21 "(2) The Chinese Central Command ordered
22 armed forces in every Province north of the Yangtze
23 river to mobilize and to concentrate in regions along
24 both the Lunghai and the Peiping-Hankow Railways.
25 Facing the situation as mentioned above, the Central

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1 Command decided on the policy for dealing with these
2 matters concerning the incident at 8 p.m. on the
3 13th. It was as follows:

4 "(1) Our Army will adhere closely to the
5 policy of non-enlargement of the situation or to
6 settle locally and to make the utmost effort to
7 avoid such actions that will lead to a full-scale
8 war. Therefore, our Army will approve the conditions
9 for settlement proposed by the representative of
10 the 29th Army and signed at 8 p.m. on the 10th and
11 watch for the fulfilment of these conditions. Thus
12 the mobilization of armed forces in Japan proper
13 will be subject to a change of situation for the time
14 being.

15 "(2) However, in case the Chinese forces
16 ignore the conditions for settlement referred to
17 in the preceding item and not fulfil them with sincerity
18 or if the Nanking Government attempts to attack our
19 forces by having the Central Army move northward
20 without any due reason, our Army will take decisive
21 measures. In such a case, however, the Garrison
22 in China will receive approval of the Central Command
23 first.
24

25 "The above-mentioned policy for dealing with
matters concerning the Incident was communicated by

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1 telegram to the Garrison in China.

2 "I was personally concerned in the drawing
3 up of the document entitled the Policy for the
4 treatment of the North China Incident of the above
5 and of the telegrams wired to the China Garrison
6 Army at the time and disposed of the matter after
7 receiving approval from the higher command. There-
8 after the documents were in custody of General Staff
9 Headquarters but later were destroyed by fire and
10 presently no longer exist. Since the matter was
11 important, however, I remember even now its contents
12 very well.

13 "(c) Thus, in the further observation of
14 the changes of the situation the Central Supreme
15 Command learned by the evening of July 16th the
16 following facts from reports from various quarters.

17 "(1) The Chinese Army in North China has
18 been actively making preparation for a war since
19 then and her soldiers have fired on Japanese soldiers
20 on the 14th and on this day the 16th.

21 "(2) The Chinese Central Supreme Command
22 ordered out the air-forces stationed at Kwangtung
23 on the 14th.

24 "(3) On July 15th, the Chinese military
25 strength concentrated in an area stretching to the

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1 north of the Lung-Hai railway and to the east of
2 the border of the Shansi Province was estimated at
3 approximately thirty divisions including her peace-
4 time units.

5 "(4) Some units of the Chinese Central
6 Army marched into Hopei Province.

7 "Under these circumstances, considering
8 the possible danger that we might be hampered by
9 this intentional dragging-out policy of the Chinese
10 authorities and miss the chance of mobilization and
11 dispatch of troops, our Central Supreme Command
12 decided upon a settlement measure to the following
13 effect and instructed our Garrison in China.

14 "The Garrison should have Sung Che-yuan
15 affix another signature upon the settlement terms
16 which were signed on July 10th and each term should
17 be shown him concretely (the apology must be made
18 by Sung Che-yuan himself, the punishment of the
19 responsible persons must go as far as the Commander
20 of the 37th Division and the units to withdraw shall
21 be specified), and the fulfilment of these terms
22 must be made by July 19th. In case the Chinese
23 authorities neglect to fulfil our demands, the
24 Garrison shall chastise the Twenty-ninth Army.
25 As the Japanese Government holds to the last the

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1 intention to limit the scope of trouble to North
2 China and expects a local settlement, she demands
3 the Nanking Government to draw back the Central
4 Army to the old condition, stop defiant activities
5 towards Japan and not to interfere with the local
6 settlement.'

7 "I was personally concerned in the drawing
8 up of the document entitled policy for settlement
9 of the above and in the wiring of the telegrams to
10 the China Garrison Army at the time and disposed
11 of the matter after receiving approval from the
12 higher command for each respectively. Thereafter
13 the documents were in the custody of General Staff
14 Headquarters but were later destroyed by fire and
15 at present no longer exist. Since it was an important
16 matter, however, I remember very well even now its
17 essential points.

18 "In line with the settlement measures decided
19 in such a way, our Garrison in China has been
20 negotiating with the Chinese Twenty-ninth Army,
21 in North China since the following 17th day, and our
22 diplomatic officials with the Chinese Central
23 Government at Nanking also while the Central Supreme
24 Command proceeded again with preparation for the
25 mobilization of the divisions in Japan proper

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1 which was stopped on July 11th.

2 "(d) On July 18th our Central Supreme
3 Command had a report from the Garrison in China that
4 General Sung Che-yuan of China came to Tientsin
5 to see Lieutenant General KOZUKI, the Commander of
6 our Garrison in China, and expressed his regret.
7 Yet according to the information which came from
8 the Foreign Office on the following day, the 19th,
9 the Nanking Government showed no sincerity in its
10 reply. Such being the case, the Central Supreme
11 Command considered that it was unavoidable to
12 chastise the Twenty-ninth Army, for, despite the
13 apology made by Sung Che-yuan in North China, not
14 only had the fulfilment of other terms become quite
15 doubtful judging from the Chinese way of doing things
16 shown for more than ten days up to that time, but
17 also the Chinese Central Government had not changed
18 their above-mentioned attitude. So we pushed forward
19 again on the preparation for mobilization orders
20 to the divisions in Japan proper. But on July 21st
21 we learned from a report from the garrison in
22 China that the Chinese authorities had punished her
23 responsible persons, and her units began to transfer.
24 Thereupon we decided to put off the mobilization
25 orders again.

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1 "(e) Thus while expecting the situation
2 at the spot to improve, the Central Supreme Command
3 got reports of the Laugfeng Incident on July 25th
4 and those of the Peiping Kuangamnen Gate Incident
5 on the following day of the 26th. On the 27th, the
6 Commander of the Garrison in China reported to us
7 that, having exhausted every means for peaceful
8 settlement, he was determined to start using force
9 for chastising the Twenty-ninth Army on or after
10 the 28th, and at the same time requested the Central
11 Supreme Command to approve the operation. So the
12 Central Supreme Command gave approval to his plan,
13 but stipulated that the Garrison not carry out
14 operations ~~across~~ the Yungting River.

15 "Concerning this designation too, as the
16 Central Supreme Command observed special care at
17 the time on this matter of applying restraint on
18 the movements of the operational army on the spot,
19 it remains in my memory well even now. The documents
20 concerning this, however, although once with the
21 General Staff Headquarters no longer exists at
22 present as they were destroyed by fire later.

23 "(f) As the situation changed, as had been
24 mentioned above, during the twenty days following
25 the night of July 7th, the Central Supreme Command

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1 on July 27th took measures to issue orders for the
2 Mobilization of the 5th, 6th and 10th Divisions
3 and the required troops, In order to meet the
4 present situation, moreover, the Central Supreme
5 Command on July 27th formulated its own first outline
6 of program of operations in China to the following
7 effect:

8 "For the purpose of security stability in
9 Peiping and Tientsin province, about four divisions
10 are to be moved, and their operation areas are
11 roughly restricted to the north of a line between
12 Paoting and Chuoliuchen. In preparation for cases
13 where unavoidable circumstances may make it necessary
14 to protect the residents in Tsintao and Shanghai,
15 one division is to be reserved for each city.

16 "I was personally concerned with the drawing
17 up of the plan, 'Outline of Operational Plans
18 against China', of the above at the time and as it
19 was after obtaining approval from higher command the
20 document was in custody of General Staff Headquarters
21 but later destroyed by fire and at present no longer
22 exists. Concerning its contents, however, I remember
23 them very well even now.

24 "And then the Central Supreme Command,
25 after generalizing all reports, estimated the Chinese

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1 strength in the North of the Lunghai Railway
2 (except Shansi province) to amount to approximately
3 340,000 by the end of July. On the other hand, all
4 the strength sent to Northern China from Japan
5 proper was expected to concentrate at the front
6 about the end of August, amounting in the aggregate
7 to less than 100,000.

8 "The Japanese operation-progresses during
9 the first eight months of the China Incident.

10 "Having passed through a process of
11 circumstances mentioned in the preceding Articles,
12 the Japanese and Chinese came at last to exchange
13 fire with each other in Peiping and Tientsin provinces.
14 After that, the situation gradually became more
15 serious on an unexpectedly enlarging scale. By the
16 end of February in 1938 (the 13th year of Showa)
17 when I resigned my post in the General Staff, hostilities
18 came to extend throughout the whole area of Northern
19 China and in the vicinities of Shanghai and Nanking.

20 "I do not mention the reason why hostilities
21 extended to those areas and what measures the Central
22 Supreme Command took concerning its extension during
23 the above-mentioned period. Through the Japanese
24 operation progresses during the first eight months
25 of this Incident, however, I can positively say that

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1 the Japanese Army's tactics were not carried out
2 on a strategically thorough and systematic program.

3 "On August 9th, a Japanese naval officer was
4 shot down in Shanghai; which led to fighting there
5 between the Japanese and Chinese Armies. On account
6 of the hard fighting on the part of our Army, our
7 Settlements nearly got into danger. So, under the
8 necessity of promptly relieving them, two divisions
9 in Japan proper were prepared for mobilization on
10 the 13th of the same month. On the next day, except
11 for one, the Chinese Central Supreme Command issued
12 orders for the mobilization of all the Armies, making
13 ready for an overall war. On the other hand, the
14 Japanese Central Supreme Command had not yet thought
15 of such a thing as an over-all war. With the Chinese
16 Central Army in Northern China reinforced, our military
17 strength became inadequate, and so the sending of
18 three more divisions was decided on August 31st.

19 "As can be seen above, the Japanese Central
20 Supreme Command sent the required minimum strength
21 for the purpose of coping with the danger of the
22 situation in each field. Not only was this so, but
23 also for the want of munitions which should have
24 been prepared for a possible outbreak of a great war,
25 prevented the Central Supreme Command from freely

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1 manipulating troops and made our military commanders
2 at the front get into great difficulties, too.
3 From the middle of September in 1937 (the 12th year
4 of Showa), for example, our army under command of
5 General MATSUI in the vicinity of Shanghai had to
6 fight, limiting the number of shells to be used
7 daily by each gun to only several a day.

8 "In fear of a case where, contrary to our
9 own one-sided principle, fighting might enlarge to
10 an unexpected extent, at the beginning of August I
11 submitted to the War Ministry a proposal that the
12 mobilization of munitions required for approximately
13 15 divisions to fight about half a year' should be
14 carried out. However, the leaders at the War Ministry,
15 especially Lieutenant General UMEZU, Yoshijiro, the
16 Vice-Minister of war, maintained the non-enlargement
17 principle so firmly that, they regarded the above
18 figures as excessive and interpreting the possible
19 issue of mobilization-order of those munitions as
20 being a further step to a national war, did not give
21 prompt consent to the proposal.

22 "Thus the above-mentioned plan of the China
23 operation act by the Central Supreme Command on July
24 29th, 1937 (the 12th year of Showa) was soon frustrated
25 and met up with the large scale and ~~far-reaching~~

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1 Chinese resistance. For some time, we took
2 provisional measures to reinforce soldiers in each
3 phase of the war and obtained tactical victories to
4 secure the front-lines. It is a plain fact that the
5 Central Supreme Command, hoped to step the overall
6 hostilities every time a single operation on one
7 field was brought to an end, and prepared in secret
8 such a plan. Such was the case at the end of the
9 Military operation in Tientsin districts, at the time
10 the Chinese forces were swept away near Paoting
11 at the end of the Shanghai military operation, and
12 at the end of the Nanking military operation.
13 Especially, was this so when general peace activity
14 was made by the offices of the German Ambassador
15 in China, before and after the Nanking military
16 operation, and we thoroughly cooperated with the
17 government but unfortunately failed in attaining our
18 object.
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1 "(9) The opinion of the Central Supreme
2 Command on the fundamental policy of dealing with
3 the affair.

4 "As stated in the above items, the Central
5 Supreme Command, hoping to localize the incident and
6 to solve it immediately in the local area, was mak-
7 ing a study on a general stoppage of resorting to
8 arms and the final dealing with the affair at the
9 end of every operation. And the opinion of the
10 Central Supreme Command on the fundamental policy
11 of settling the affair was in perfect unison with
12 the opinion expressed by the government since the
13 beginning of the incident. Especially the principle
14 called 'KONOE's Three Principles' which stressed
15 morality accorded completely with that which the
16 Central Supreme Command delivered to the government
17 as its opinion, before it was made public.

18 "(10) The opinion of the Central Supreme
19 Command on the problems of the international agree-
20 ments and the international laws. The motive for
21 the China Incident lies only in Japan's exercising
22 her right of self-defense in the local area. After
23 the negotiation between the commanders of the Japanese
24 and Chinese forces or between the authorities of
25 both states in Nanking for twenty long days, we realized

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1 that China had no sincerity in a peaceful solution
2 and we finally resorted to arms. We, as stated
3 above, had no intention in the fundamental policy of
4 dealing with the incident and in the actual process
5 of military operations to injure Chinese sovereignty
6 and the territorial or administrative security.
7 Therefore we were convinced that our activity did not
8 violate and hurt existing international agreements,
9 and our opinion was in accord with what the govern-
10 ment often stated to the world on necessary occasions.
11 The Central Supreme Command often called attention
12 to the higher commanders in the front to esteem the
13 interests of the third States, and not to violate the
14 safety of the peoples of third States. I do not
15 remember the exact year and date when I gave such
16 notices. But such notices, as far as my memory runs,
17 were delivered sometimes by wire or sometimes by
18 important figures who were sent from the Central
19 Supreme Command to the front for liaison. In cases
20 where there were damages to the third States, or the
21 peoples of the third States, the Central Supreme
22 Command was ready to make fair investigation on the
23 damages and to make necessary compensation for them.
24 From the above-mentioned standpoint the 2nd division
25 in the General Staff Office chiefly cooperated with

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1 the War Ministry in investigating such matters.

2 The greatest of the accidents of such kind which took
3 place while I held my post as chief was the bombard-
4 ment of the 'Ladybird.' According to my investiga-
5 tion at that time, the ship was bombarded under the
6 orders made by Lieutenant General YANAGAWA, Army
7 Commander, and Colonel HASHIMOTO, Kingoro, the inter-
8 mediate Commander, was not responsible for this acci-
9 dent. I remember that I strongly insisted upon my
10 opinion at the meeting where the leaders concerned
11 were assembled to solve the problem. Concerning
12 the accident itself, I remember, too, that we soon
13 reached a settlement with Britain.

14 "(11) The opinion of the Central Supreme
15 Command regarding declaration of war.

16 "The situation gradually took an unforeseen
17 development and the war situation became unexpected-
18 ly serious, so the Central Supreme Command discussed
19 the problem whether Japan should declare war against
20 China or not.

21 "So far as I know at the time of my resigna-
22 tion, the Central Supreme Command realized the
23 characteristics of the Incident as follows:

24 "I. The Incident was started on the part
25 of Japan as a self-defensive move for what was only

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1 a local problem. Thereafter Japan against her wish
2 had to increase her forces in each zone of fighting
3 as a temporary expedient. Japan had no intention
4 to wage a war against China. If only the offensive
5 manoeuvres on the part of China would be brought to
6 an end, the Japanese Army would immediately cease
7 taking the offensive.

8 "II. Japan does not consider China as a
9 whole, that is, the whole Chinese people as an enemy.

10 "III. Japan has primarily no politico-
11 strategic intention against China. What Japan desires
12 is nothing more but to cease the armed conflict at
13 once, which is rather a collision of feelings be-
14 tween the two nations; to realize 'Friendly Relations
15 between Neighbouring States,' 'Mutual Respect of the
16 Sovereignty and Territory,' and 'Reciprocal Economic
17 Cooperation,' all of which are the outcome of natural
18 and essential conditions of the two States.

19 "IV. To sum up the above four points, to
20 declare war against China is not only to misrepresent
21 Japan's real intention but to be against morality.

22 "V. So long as the two states are to a
23 wider extent in a state of war, without declaration
24 of war, Japan can not freely exercise rights based
25 on the International Laws of War, which results in

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1 our inconveniences and disadvantage. Japan, however,
2 being influenced by the actual interests, must not
3 lose sight of the substance of the Incident and her
4 basic principles of morality.

5 "VI. With declaration of war against China,
6 Japan may be able to justify casualties and the other
7 losses on the part of China. If Japan, however,
8 takes such a measure, she would come to adhere for-
9 mally and distort the substance of the Incident,
10 and after all to strengthen violence.

11 "This goes against Japan's intention.

12 "From the above-mentioned points, the opin-
13 ion of the Central Supreme Command was that Japan
14 ought not to declare war against China.

15 "Signed, Torashiro KAWABE."

16 You may cross-examine.

17 THE PRESIDENT: Mr. Comyns Carr.

18 MR. COMYNS CARR: If it please the Tribunal,
19 this witness has already been examined at page 19393
20 and cross-examined at page 19425 on the subject of
21 the Manchurian Affair. A further affidavit of his
22 was read at page 19, -- Let me just verify that.
23 Mainly, the greater part of it was read beginning
24 at page 20,745. He was not cross-examined on that
25 occasion, but certain references were given at page

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1 20,770. That affidavit relates to his activities
2 as a member of the staff of the Kwantung Army from
3 1934 to 1936.

4 With regard to documents in the present
5 affidavit, your Honor, the only passages to which
6 the certificates admitted in evidence relate are
7 on page 5 of the affidavit, the paragraph at the top
8 and the paragraph in the middle of the page, one in
9 the middle of page 6, one at the top of page 7, and
10 one at the top of page 8.

CROSS-EXAMINATION

BY MR. COMYNS CARR:

13 Q General KAWABE, in certain passages of
14 your affidavit you try to account for the absence
15 of certain documents, four in addition to those I
16 have mentioned, by saying that they were burned later.
17 When were they burned?

18 A Some were burned around the time of the con-
19 clusion of the war, but some, I believe, were burned
20 before the conclusion of the war.

21 Q Do you know in any way which were burned
22 on each occasion?

23 A Although I cannot say for sure, the docu-
24 ments relating to strategic plans were burned --
25 operational plans were burned at the time of the con-

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1 clusion of the war. The other reports, intelligence
2 reports and originals of telegrams sent, were burnt, --
3 In view of the nature of these documents, they were
4 burnt on each occasion for purposes of following
5 the customs at the time.

6 Q When you say "on each occasion" do you mean
7 as soon as they were received?

8 A No, that is not so. They were destroyed
9 as soon as they had been disposed of chronologically.

10 Q When do you mean they were disposed of?

11 A I cannot tell you definitely on what day or
12 what month each specific document was destroyed.
13 Not only is my recollection not clear on this point,
14 but I was not concerned with the clerical duties
15 concerned with the destruction of these documents.

16 Q Do you know that of the five documents cer-
17 tified by the Demobilization Ministry to have been
18 destroyed at the conclusion of the war, three are
19 telegrams?

20 A Yes.

21 Q Well, then, how do you say that the tele-
22 grams were all destroyed earlier?

23 A That I was referring to in my previous answer
24 were telegrams which had to do with information
25 which were of a more or less light -- which were not

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too important.

1 Q Why have you made no attempt to account
2 for any of the other numerous documents that you
3 have referred to in your affidavit except those
4 nine?

5 A After the previous occasion when my affi-
6 davit was -- when my first affidavit was rejected,
7 upon consultation with defense counsel I drew up the
8 second affidavit, and following the advice of the
9 defense counsel that a certain amount of explana-
10 tion be included, I included just as much explana-
11 tion as the defense counsel thought proper, follow-
12 ing the views of the defense counsel.

13 Q Then, you mean he didn't think it proper
14 that you should attempt to account for any of the
15 other documents?

16 A That is so, I believed it wasn't necessary.

17 Q Do you now think that all of them were des-
18 troyed at the end of the war?

19 A As I said before, I cannot say definitely
20 that all these documents were burned after the end
21 of the war. Some of the documents were disposed
22 of before the end of the war in accordance with the
23 policy of which I told you in my previous answer.

24 Q Were you in Tokyo when the burning of docu-
25

ments was carried out at the end of the war?

1 A Yes, I was in Tokyo.

2 Q You were appointed a delegate to go to
3 Manila to meet the Supreme Commander, were you
4 not, on the 18th of August?

5 A Yes.

6 Q Had the documents been burned before you
7 left?

8 A Not all of them, but there were a number
9 of them which had already been destroyed by that
10 time.
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1 Q Were you in the General Staff office while
2 the burning was going on?

3 A I was not there during the whole period
4 of time, but I was at the General Staff office for
5 part of that time, and I do know that the documents
6 were being burned -- and I did know.

7 Q Do you know that the order was that only
8 those documents which will be harmful if they fell
9 into the hands of the Allies should be burned?

10 A I do not know of such orders. I did not
11 give such orders myself, nor did I convey such orders
12 -- nor did I receive any such orders to be conveyed
13 to my subordinates.

14 Q If the contents of the documents were as
15 you have sworn, they would have been helpful to Japan
16 and to these accused, wouldn't they?

17 A I admit that.

18 Q Then what was the object of burning them?

19 A When these documents were burned, the main
20 objective was to burn all documents of a military
21 nature, and we did not have in mind anything as to
22 whether there would be -- as to whether a military
23 tribunal of this nature would be convened or not in
24 the future.

25 Q As a matter of fact, didn't you have it very

1 much in mind? Had not the Japanese Government en-
2 deavored to stipulate that no such tribunal should
3 be held without success?

4 A As far as I, myself, am personally con-
5 cerned, or any of my colleagues that I know of are
6 concerned, we did not have any such thing in mind.

7 Q I should correct the form of that question.
8 Put it this way: Do not you know that it was dis-
9 cussed in the Japanese Government whether they should
10 endeavor to stipulate that no such tribunal should
11 be held?

12 A I did hear that there were such discussions.

13 Q Now, in this period from March, 1937 to
14 February, 1938, you were head of a section in the
15 General Staff, and you speak of the Chief of the
16 1st Division who was your superior officer. Who was
17 he? What was his name?

18 A Major General ISHIHARA, Kanji. Correction:
19 From March, 1937 to September, 1937 Major General
20 ISHIHARA, Kanji. From September 1937 to February --
21 from September, 1937 on, Major General SHINOMURA,
22 Sadamu.

23 MR. COMYNS CARR: Language Division, I did
24 not catch that name.

25 THE MONITOR: SHINOMURA, Sadamu.

1 MR. COMYNS CARR: SHIMOMURA is the surname,
2 is it?

3 THE MONITOR: SHIMOMURA.

4 Q Then above him was the Vice-Chief of Staff,
5 was he not?

6 A That is so.

7 Q And was that General TADA?

8 A At the time of the outbreak of the incident,
9 it was Lieutenant General IMAI.

10 Q When did General TADA succeed him?

11 A I do not remember the date definitely.
12 Lieutenant General IMAI was suffering from a serious
13 illness and resigned shortly after the outbreak of
14 the incident. I believe that General TADA succeeded
15 him within one month from the outbreak of the inci-
16 dent.

17 Q Now, do you say that you were in a position
18 sufficiently important in the General Staff to know
19 all about the relations between the General Staff,
20 the War Ministry and the Cabinet during this period?
21

22 A I cannot say I was in such an important
23 position that I knew all that was going on; but,
24 depending on problems, I was in a position to know
25 in detail what was being done.

 Q On page 9 of your affidavit you say in one

1 place that the General Staff thoroughly cooperated
2 with the government and, in another, that there was
3 perfect unison between them. How do you know that?

4 A On this matter, I had occasion to hear
5 directly from the Vice-Chief of Staff or from my
6 division chief. Furthermore, Major General SHIMO-
7 MURA was often absent from his post owing to illness,
8 and I acted in his stead, so I had occasion to hear
9 all the problems which the prosecutor had directly
10 from General TADA, Vice Chief of Staff.

11 Q I am going to put it to you a little later
12 on that there were sharp quarrels between the
13 General Staff, the War Ministry and certain civil-
14 ian members of the cabinet all through the period.
15 Do you say that is not true?

16 A I am sorry. May I have the question re-
17 peated?

18 (Whereupon, the question was
19 repeated in Japanese.)

20 A (Continuing) I do not remember that there
21 were any very violent disputes.

22 Q What were the disputes about that weren't
23 very violent?

24 A For instance, the state of affairs in the
25 cabinet immediately after the outbreak of the Lukou-

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1 chiao Incident, occasions when the cabinet members
2 discussed a statement which the cabinet was to
3 issue on the incident -- which the government was
4 to issue.

5 As far as I am aware, these questions were
6 disposed of very smoothly. I shall repeat for the
7 sake of -- in this connection, I should like to say
8 that I was only in the General Staff up to February
9 of 1938 and, therefore, I am not aware of anything
10 which went on after that.

11 Q Now, in paragraph 2c, the middle of page 2
12 of your affidavit, you say that as part of the views
13 of the Central Supreme Command that Japan's strength
14 was "extremely inferior in various sorts of material
15 factors necessary for self-defense and self-existence
16 as a modern state. So long as the status quo remains
17 as is, it cannot be guaranteed that the purposes of
18 both first and second items mentioned above will be
19 achieved."

20 Where was the Supreme Command looking to
21 get the additional material factors that were wanted?

22 A The Supreme Command hoped to establish a
23 sphere of self-sufficiency in a bloc comprising the
24 Japanese home islands, Korea and Manchuria.

25 Q No where else?

1 A At that time no other areas were considered.

2 Q Now, lower in the same paragraph, at the
3 bottom on page 2, you say, "The Central Supreme Com-
4 mand, in cooperation with the military administra-
5 tive authorities, should help them, directly or in-
6 directly, in carrying out various national policies
7 to promote our national power."

8 Did you know what the national policy was,
9 that had been laid down by the government for that
10 purpose, on the 11th of August, 1936?

11 A I have forgotten what detailed plans the
12 government put up at that period -- at that time.

13 MR. COLYNS CARR: I am now about to refer
14 to exhibit 217, if it please the Tribunal.

15 Q Do you know that on that day they decided,
16 as part of their administrative policy towards North
17 China, that they were going to procure perfect inde-
18 pendence for North China for the purpose, amongst
19 others, of securing necessary materials for our
20 national defense?

21 THE MONITOR: Mr. Carr, from what page are
22 you quoting, sir?

23 MR. COLYNS CARR: The first paragraph on
24 page 1.

25 THE MONITOR: Thank you, sir.

1 A I am very sorry to have to ask you again.
2 May I inquire the date on which this decision was
3 reached?

4 Q The 11th of August, 1936.

5 A August 11, 1936. At that time I was not
6 in Cen-- I was not in Tokyo. I do not know of any
7 such plan. I was in Tokyo, but I was not working
8 in Central Army Headquarters.

9 Q But, was not that statement of policy filed
10 in the General Staff as the policy in force in March,
11 1937 when you got there?

12 A I do not remember whether such a document
13 was in the General Staff office or not. I, myself,
14 have never seen it.

15 Q Well, if you hadn't seen the official
16 statement of national policy, how do you know that
17 the Central Supreme Command was helping the govern-
18 ment to carry out "national policies to promote our
19 national power"?

20 A When I assumed my post, my chief, Major
21 General ISHIHARA, told me what the policy of the
22 Central Supreme Command should be, and from him I
23 learned of this.

24 THE MONITOR: As you can see in my affi-
25 davit.

1 Q Did he tell you that that statement of policy
2 contained detailed plans for exploiting the iron,
3 coal and salt in North China for the purposes of
4 Japanese national defense?

5 A No.

6 MR. BANNO: I intended to raise an objection
7 since this was a question that was outside the scope
8 of the examination in chief. However, since the
9 witness has already replied, there is nothing to
10 say.

11 THE PRESIDENT: That is no reason for not
12 objecting. He professed to know what the policy was.
13 Now he is being asked about certain phases of it.

14 MR. COMYNS CARR: Exhibit 217 was intro-
15 duced at page 2,728 of the record. Might the wit-
16 ness see exhibit 259, the original?

17 (Whereupon, a document was handed
18 to the witness.)

19 Q In paragraph 5B of your affidavit, at the
20 top of page 4 in the English, you say, with regard
21 to the North China Garrison Army, "It was not
22 authorized to draw up a plan for military operation
23 of itself in consideration of war." Don't you know
24 that they had, in fact, done so?
25

A In fact, I believe that the Japanese garrison

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1 in China had some sort of secret plan even without
2 receiving orders from Central Headquarters.

3 Q Now, just look at that exhibit, 259.

4 THE MONITOR: "Secret plan" should be
5 "informal" or "unofficial."

6 Q (Continuing) Just look at that plan, that
7 document, exhibit 259. Do you see that on the 2nd
8 of December, 1935 that plan was sent to Vice War
9 Minister FURUSO and signed "Shun TADA, Commander of
10 the Japanese Garrison Forces in North China"? Do
11 you observe that?

12 A Yes.

13 Q Was that the same TADA who afterwards be-
14 came Vice Chief of Staff or a different one?

15 A It is the same person.

16 Q The same person. Now, do you observe that
17 copies of it were sent to, amongst other persons,
18 the Chief of Staff of the Kwantung Army? Now, in
19 your second affidavit you told us that, in December,
20 1935, you were a staff officer of the Kwantung Army,
21 and you purported to tell us all about the activities
22 of that staff. Didn't you see this document then?

23 A I do not remember having seen this document.

24 Q Well, refresh your memory now by looking
25 at it, the first paragraph, "The Army expects to

1 dispose of the railways in North China in such a
2 manner as to place them under its control so as to
3 achieve military objective through direct utiliza-
4 tion of them." And then paragraph 2, the first
5 paragraph, "We must make the employees, including
6 the executive officers of the various railways,
7 understand the spirit of the North China autonomous
8 movement and the attitude of the Japanese forces and
9 endeavor to appease the employees by hinting to them
10 that they should feel at ease and assist the Japan-
11 ese forces even when the latter undertakes military
12 operations (this is already being carried out.)"

13 THE PRESIDENT: Mr. BANNO.

14 MR. BANNO: The witness has already testi-
15 fied that he has not a correct memory on that point.
16 I also object to the method of the prosecution of
17 trying to re-introduce the same evidence. I also
18 submit that it is a waste of time because it makes
19 the witness 1 the same answer. Therefore, I
20 object to this method of presenting evidence, with
21 questions put in this form.
22

23 THE PRESIDENT: All the objections are
24 shallow and obviously fail. I suppose you refer
25 to the re-introduction of the prosecution's evidence,
not the defense evidence. If the witness' memory is

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1 weak on any point, it can be refreshed. The matter
2 is within the scope of his affidavit. The objections
3 are overruled.

4 BY MR. COMYNS CAIR (Continued):

5 Q Now, look at sub-paragraph 2 of paragraph
6 II, the last sentence. "In case such forcible meas-
7 ure is taken, we shall give as the nominal reason
8 self-defense and protection of the Peiping-Shan-
9 haikuan Railway against the anti-Japanese military
10 operations of the Nanking Government. (This is
11 being forced by the dispatch of military police
12 under an agreement made with the Peiping-Shanhaikuan
13 Railway Company.)"

14 Do you remember reading that now that you've
15 seen it again?

16 A I cannot remember.

17 Q Was it the practice of Japan to give self-
18 defense as a nominal reason for forcible measures?

19 A It was not a practice.

20 Q Only one more quotation from this document.

21 THE PRESIDENT: You had better make it after
22 the recess. We will recess for fifteen minutes.

23 (Whereupon, at 1445, a recess was
24 taken until 1500, after which the proceed-
25 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 BY MR. COMYNS CARR (Continued):

5 Q General KAWABE, do you observe that in
6 paragraph 3 detailed consideration is given to six
7 different railway lines in North China, some of which
8 are to be seized by force, such as the Peiping-Hankow
9 Railway, while in the case of others it is said to be
10 sufficient to supervise and guide a part of the per-
11 sonnel, and then in paragraph 7, "when the army finds
12 it inevitable to settle the issue by armed force it
13 will lose no time to complete the organization men-
14 tioned in the preceding clause and speedily effect the
15 unification of the railways in North China according
16 to the following procedure." Now, after the incident
17 broke out in July, 1937, that was exactly what was
18 done, wasn't it?

19 A After the outbreak of the China Incident
20 things were not carried out exactly according to this
21 plan. I do not know anything whatsoever about this
22 plan but on glancing through it I can see, if there
23 was such a plan, it was not carried out according to
24 the provisions of this plan.

25 Q Not only was that plan sent to the Kwantung

1 General Staff, of which you were a member in 1935,
2 but when you got to the General Staff Office in
3 Tokyo in 1937 there was the man who had written it
4 as Vice Chief of Staff, wasn't he?

5 Did you tell him, as you have said in
6 your affidavit, that the commander of the Japanese
7 garrison forces in North China had no authority to
8 draw up plans?

9 A What I stated in my affidavit is this:
10 The Central Supreme Command did not order -- did not
11 give any orders to the China garrison forces to make
12 up any plan -- to draw up its own plan; but, as I
13 said before, the China garrison forces must, probably
14 did draw up plans of its own, unofficial plans of its
15 own, under which it would act in case of an emergency,
16 and I believe that this plan was one of them. One of
17 the reasons why I believe this plan to be unofficial
18 was, as it appears on its face, that it was not re-
19 ported to the General Staff Office.

20 Q Only to the Vice Minister of War?

21 A As far as central military authorities are
22 concerned, I believe it was only reported to the Vice
23 Minister of War. At least that is as much as I can
24 gather from this document.

25 Q Now, in paragraph 6 of your affidavit, the

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1 end of the third paragraph, you say that when the
2 incident of July 7 was reported you did not take it
3 as a grave matter "for there had so often been such
4 similar trouble in the past that I strongly considered
5 that the matter would as usual be settled soon by
6 mutual negotiation between the authorities of the
7 Japanese and Chinese forces there." Had all those
8 previous incidents been settled by the Japanese army
9 presenting an ultimatum threatening to attack at a
10 certain time and the Chinese giving way?

11 A No, that is not so. For instance, in the
12 previous year the so-called Fengtai Incident broke out.
13 This incident was settled amicably by negotiations
14 between the Chinese and Japanese forces.

15 Q But did not the negotiations take the form
16 of the Japanese presenting demand and threatening to
17 attack if it was not carried out?

18 A Are you referring to previous incidents?

19 Q Yes.

20 A I do not believe that was the case.

21 Q And was that not what you intended should
22 be done this time?

23 A Are you referring now to the Lukouchiao
24 Incident?

25 Q Yes.

1 A No, that is not the case. For instance,
2 on the 9th of July, on the evening of the 9th of
3 July, instructions from the Vice Chief of Staff were
4 to the effect that Japanese forces on the spot should
5 strive to reach an amicable settlement of the affair
6 with the Chinese and the Central Army authorities
7 were conducting themselves with such a settlement in
8 view and the incident was settled in accordance with
9 that instruction.

10 May I make an additional statement?

11 Q If it has anything to do with the question.

12 A My recollection is fairly clear on happen-
13 ings around that time. The instructions sent on
14 July 9 were very vague as to conditions and matters
15 were left entirely in the hands of the China Expedition-
16 ary Forces so that the matter could be settled amic-
17 ably on the spot.

18 THE MONITOR: "On the spot" instead of
19 "China Expeditionary Forces."

20 Q You set out the terms which were to be
21 enforced on page 5 of your affidavit. Are not those
22 terms based upon the assumption that the Chinese were
23 in the wrong and the Japanese in the right?

24 A Yes.
25

1 Q Did you make any inquiry other than
2 receiving a report from your forces on the spot as
3 to who was in the right?

4 A No.

5 Q And if it happened that the Chinese were
6 in the right these terms were such as could only be
7 imposed by threat of force, weren't they?

8 A If the Chinese were in the right I can see
9 no reason why they should have accepted these condi-
10 tions.

11 Q Except upon the threat of your making war
12 upon them?

13 MR. BANNO: I object on the ground that the
14 question is argumentative and that it is asking for
15 the opinion of the witness, which is most objection-
16 able.

17 THE PRESIDENT: It is upheld on the ground
18 that it is argumentative.

19 Q Now, I want to come back to the question
20 whether there was or was not an agreement between
21 the General Staff, the War Ministry, and the Cabinet
22 about the course which should be pursued over this
23 China Incident. Will you, first of all, look at
24 exhibit 672, please?
25

May he have the original?

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1 Do you see that that is a telegram marked
2 "Ultra Secret" and "Urgent"?

3 A Yes.

4 Q From the Chief of Staff of the Kwantung
5 Army?

6 A Yes.

7 Q Who was at that time the accused TOJO, was
8 he not, that is the 9th of June, 1937, a month before
9 the outbreak of the incident?

10 A I believe it was General TOJO.

11 Q Yes. Addressed to the Vice Minister of War,
12 who was then the accused UMEZU, was he not?

13 A Yes.

14 Q And the Vice Chief of the General Staff, who
15 you told me was then General IMAI?

16 A Yes.

17 Q When that came to the General Staff I pre-
18 sume you saw it, did you not?

19 A May I have a short time to read it?

20 Q It is quite short.

21 A I cannot say I remember having seen this
22 telegram.

23 Q But I thought you told me that you were
24 so much in the confidence of your superiors that you
25 knew all the main things that were going on?

1 A Depending on the problem, that is.

2 Q Now, this is the 9th of June, 1937. I will
3 just read the first paragraph:

4 "Judging the present situation in North China
5 from the point of view of military preparations
6 against Soviet Russia, I am convinced that if our
7 military power permits it, we should deliver a blow
8 first of all upon the Nanking regime to get rid of
9 the menace at our back."

10 Did the General Staff agree with that view?

11 A No, it did not.

12 Q Do you know if the War Ministry agreed with
13 it?

14 A I do not know. One thing else, I should
15 like to add one word to what I said in my previous
16 answer. Concerning the question as to whether I did
17 or did not see this telegram, I cannot say for sure
18 that I did see this telegram, but neither can I
19 conscientiously say that I did not see this telegram.
20 In other words, my recollection on this point is not
21 clear at all.

22 Q Now you had always, ever since 1932, been
23 of the opinion, had you not, that a Russo-Japanese
24 war in the future is inevitable?

25 A Yes.

1 Q Did the General Staff in December, 1937,
2 at all events take the view that from the point of
3 view of a war against Russia it was dangerous to
4 continue the Chinese operation too far?

5 A The General Staff was of the opinion that
6 not only from the point of view of possible war
7 against Russia but also from the point of view of
8 Japan's ~~over-all~~ defense a large-scale war between
9 Japan and China was very dangerous.

10 Q Now, do you remember or did you know that
11 on the 23rd of July, 1937, the Bureau Chiefs of the
12 War Ministry, Navy Ministry, and Foreign Ministry met
13 together?

14 A I don't know; I do not remember any such
15 assembly.

16 Q And so far from deciding upon a local
17 settlement of this incident, as you have stated in
18 your affidavit, they decided that Japan should demand
19 from the Nanking Government recognition of Manchukuo
20 by China and a military alliance between Japan and
21 China?

22 A I do not knpw; I do not remember.
23
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1 Q And that they further agreed at the meeting
2 that the sending of reinforcements should be stopped
3 pending these terms being put forward?

4 A As I said first, I do not know anything about
5 this conference having been held at all, so, naturally,
6 I do not know what was discussed there.

7 Q Do you know that on the same evening the War
8 Ministry repudiated the decision to stop sending rein-
9 forcements, and that, contrary to what you have said
10 in your affidavit on page 7, the mobilization went on?

11 A I do not remember anything of the sort having
12 happened.

13 Q Do you know that on the 7th of August 1937 the
14 Foreign, Navy and Army Ministers met in the office
15 of the Prime Minister and decided that the terms to be
16 proposed for settling the Incident should include a
17 promise, an undertaking, by China to regard the Man-
18 chukuo question as closed?

19 A I did not hear anything of the sort,

20 THE PRESIDENT: Mr. BANNO.

21 MR. BANNO: No evidence has been presented --
22 no document has been presented regarding the holding of
23 such a conference. I think the fact should first be
24 established that such a meeting was held, otherwise it
25 would merely be asking -- it would amount to asking the

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1 witness a question on a mere hypothesis.

2 THE PRESIDENT: Not necessarily. He can be
3 asked questions in order to establish facts. But we
4 will expect the prosecution to attempt to establish
5 the fact later if the witness fails to do it for them.

6 The objection is overruled.

7 Q Was it part of the desire of the General Staff
8 that the Incident should only be settled on an under-
9 taking by China to recognize Manchukuo?

10 A May I ask if the meaning of your question is
11 this: That the General Staff Office would be satisfied
12 if China recognized the independence of Manchukuo, and
13 that Japan would accept that if an agreement could be
14 reached wherein China would recognize the independence
15 of Manchukuo, Japan would be satisfied with that in
16 settling the China Incident.

17 Q That was not my question. Was it part of the
18 policy of the General Staff to insist that one of the
19 terms for the settlement should be that China should
20 recognize the independence of Manchukuo?

21 A The General Staff Office had hoped from before
22 the outbreak of the Incident that China would formally
23 recognize the independence of Manchukuo, and it con-
24 tinued to hold this view after the outbreak of the
25 Incident.

Q That is not an answer to the question. Was
it the view of the General Staff that Japan should insist upon China recognizing Manchukuo as one of the terms for settling the Incident?

A Yes, it was.

Q It was. Then, how could that be done by the local settlement which you have sworn the General Staff desired between the local forces in the Peiping area?

A What I meant to say was that the General Staff's view and cherished desire was that China should recognize the independence of Manchukuo. But it did not say that if China did not recognize the independence of Manchukuo Japan would continue the fight. Therefore, concerning the settlement of the China Incident itself, the General Staff was of the view that every effort should be exerted to settle the Incident on the spot in the Peking-Tientsin area.

Q In that case if the three ministers, the Foreign, Navy and Army Ministers, did agree, as I have suggested to you on the 7th of August, that that condition should be insisted upon, there was a difference of opinion between them and the General Staff, according to you, wasn't there?

A I do not know whether this conference of the three ministers was actually held or not. But if such

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1 a conference was held, and if such a decision was
2 reached, there would be a difference between that
3 decision and the opinion of the General Staff.

4 Q Now, on the 15th of August, exhibit 270 I am
5 now referring to, the speech by the accused SATO on
6 the 25th of August 1938, on that day -- I am referring
7 to page 2, your Honor -- on that day did the Japanese
8 Government issue a statement, just below the middle of
9 page 2, ending with these words: "This measure is
10 none other" -- that is the measure which Japan had
11 decided to take -- "than to uproot Chinese anti-
12 Japanese activities, and to do away with the source of
13 such disgraceful incidents, thereby realizing the
14 friendly coalition among the three nations, Japan,
15 China and Manchukuo. Japan has no territorial ambitions
16 whatever."

17 Do you remember that statement being issued
18 by the Japanese Government on the 15th of August?

19 A I do not remember whether it was issued on
20 the exact date in August -- I do not remember the date
21 itself, that is, August 15th, but I do remember that a
22 declaration of that nature was issued.

23 Q Immediately after the Shanghai Incident, wasn't
24 it?
25

A Yes, that is so.

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1 Q Yes. Do you agree with the Accused SATO that
2 the statement may be called a declaration of war?

3 A I cannot agree altogether.

4 Q Now, on the first of --

5 MR. FREEMAN: If it please the Tribunal.

6 THE PRESIDENT: Mr. Freeman.

7 MR. FREEMAN: I object to his using this docu-
8 ment. It never has been properly identified. Originally
9 when it was introduced the Court instructed the prosecu-
10 tion to verify the writer of this, but they have never
11 verified that. They made one attempt since then. In
12 the closing days of the prosecution's presentation of
13 their case, they attempted again to introduce this
14 document and at that time it was referred by the
15 Tribunal to the Language Section and as far as I know
16 that is where it is now and this document is not properly
17 in evidence.

18 THE PRESIDENT: General Cramer has referred
19 me to exhibit 2235 which is represented to be a more
20 exact translation.

21 MR. COMYNS CARR: Yes, your Honor.

22 MR. FREEMAN: If the Tribunal please, that
23 very document itself was referred to the Language
24 Section and if it has ever gotten away from them I don't
25 know it.

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1 MR. COMYNS CARR: Well, if there is anything
2 I am sure of it is that anything that has been referred
3 to the Language Section has been dealt with by the
4 Language Arbitration Board. I am not aware of the
5 circumstances but I am quite sure of that.

6 THE PRESIDENT: Well, I have never known them
7 to slip on these matters but they may have on this
8 occasion. We had better make sure.

9 MR. COMYNS CARR: For the purpose of my ques-
10 tion it doesn't matter whether the document is in
11 evidence or not. In my submission it is clearly admis-
12 sible.

13 THE PRESIDENT: No. Subject to that condition I
14 stated a few minutes ago, you could put the question
15 without reference to any document.

16 Q On the first of October, 1937, do you know
17 that it was decided at a meeting between the Premier
18 KONOYE, War Minister SUGAYAMA, Navy Minister YONAI
19 and the Foreign Minister, the Accused HIROTA, again
20 that the terms should be that China should be compelled
21 to recognize Manchukuo, that there should be an extended
22 demilitarized zone in North China and another around
23 Shanghai, and that there should be an anti-Comintern
24 pact between Japan and China. Did you know that?
25

A I do not know whether this matter was merely

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1 discussed by four or five cabinet members, but I do
2 know that the General Staff also participated in study
3 on these matters.

4 Q Did they then, on that date, agree that those
5 terms should be insisted upon from China?

6 A I should like to repeat what I said since I am
7 under the impression that the prosecutor did not get
8 what I said. I do not know whether the four or five
9 cabinet members concerned did arrive at such a decision
10 on the first of October, but I do know that the General
11 Staff was -- did participate in the study of these
12 problems around that time.

13 THE MONITOR: Slight addition: Within the
14 General Staff similar problems were under study, that
15 is to say, similar problems the decision for which was
16 reached in the so-called meeting of four or five cabinet
17 members which you stated.

18 A (Continuing) Therefore, it is impossible
19 for me to reply to your last question.

20 Q I am not asking whether you studied them. I
21 am asking whether you agreed with them.

22 A I, myself, was in agreement with these views.

23 Q I did not mean you personally. I meant the
24 General Staff.

25 A I recollect that the General Staff as a whole

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1 did not have any objection to such views.

2 Q By that time, then, the General Staff had
3 abandoned any idea of local settlement?

4 A By October the battle front had been -- battle
5 lines had been extended and it was impossible -- we
6 had to change our views concerning the settlement of
7 the Incident.

8 Q You mean you had pushed forward so far that
9 you weren't prepared any longer for a local settlement,
10 is that right?

11 A I mean to say that it was impossible any
12 longer to expect a local settlement within the North
13 China area. The battle lines had already extended to
14 Central China.

15 THE PRESIDENT: Are you getting on to some-
16 thing new, Mr. Carr?

17 MR. COMYNS CARR: Yes, your Honor.

18 THE PRESIDENT: We will adjourn until half
19 past nine tomorrow morning.

20 (Whereupon, at 1600, an adjournment
21 was taken until Wednesday, 14 May 1947, at
22 0930.)
23
24
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